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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

The Role of Prevention in the Promotion and Protection of Human Rights

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

In resolution 24/16, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to draft a study on the prevention of human rights violations and its practical implementation, and to present the study to its thirtieth session. As requested in the resolution, this study takes into account the outcome of the panel discussion on the role of prevention in the promotion and protection of human rights, held at the twenty-seventh session of the Council.

This study seeks to provide further content to the concept of prevention of human rights violations, identify practical means through which to prevent violations, and highlight the role of international and regional stakeholders.

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I. Introduction

1. In resolution 24/16, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to draft a study on the prevention of human rights violations and its practical implementation, and to present the study to its thirtieth session. As requested in the resolution, this study takes into account the outcome of the panel discussion on the role of prevention in the promotion and protection of human rights, held at the twenty-seventh session of the Council (A/HRC/28/30).

2. In preparation for this study, OHCHR sought contributions through a questionnaire addressed to States, national human rights institutions (NHRIs), civil society, relevant intergovernmental bodies and international organizations. The questionnaire covered issues including which legislative, judicial and administrative measures – as well as action-oriented policies, practices and strategies to prevent human rights violations and abuses – are in place at the national level; and provisions for effective remedies for victims. It sought information on policies and processes for collection, maintenance and analysis of statistical data on human rights; the steps taken to promote a human rights culture; the role of civil society; measures and procedures for following up on recommendations from international and regional human rights bodies; and the contribution of such bodies to the prevention of human rights violations. Information was provided by Albania, Argentina, Australia, Cuba, Cyprus, Georgia, Honduras, Hungary, Ireland, Italy, Kazakhstan, Madagascar, Mexico, the Republic of Moldova, Paraguay, Qatar, Slovakia, Togo, Trinidad and Tobago, Ukraine and United Arab Emirates; as well as by Austrian Ombudsman Board, Her Majesty's Inspectorate of Prisons, Finnish Human Rights Centre, Human Rights Commission of Malaysia, Comision Nacional de los Derechos Humanos Mexico, Commission Nationale des Droits de la Personne du Rwanda, Human Rights House of Albania, International Fellowship of Reconciliation, Jordan National Centre for Human Rights, Agence de Diffusion de Droit International Humanitaire en Afrique Centrale, National Human Rights Commission of Korea, Ombudsman of the Republic of Latvia, Promo-LEX Association, Scholars at Risk, and the Slovak National Centre for Human Rights.[1]

3. This report seeks to provide further content to the concept of prevention of human rights violations (Part II); identify practical means through which to prevent violations (Part III); and highlight the role of international and regional stakeholders (Part IV).

II. Concept of prevention

4. By becoming parties to international treaties, States assume obligations and duties under international law to respect, protect and fulfil human rights for all persons within their territory or jurisdiction, without discrimination of any kind.[2] Further, "States, including all branches thereof, have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations".[3] The

[1] The full text of the replies is available from the Secretariat.

[2] Art. 2, International Covenant on Civil and Political Rights and the Human Rights Committee's General Comment 31 (2004); art. 2, Convention on the Rights of the Child and the Convention on the Rights of the Child's General Comment 5 (2003).

[3] A/HRC/RES/24/16, para. 2. The Inter-American Court of Human Rights has held that States have "a legal duty to take reasonable steps to prevent human rights violations" (*Velasquez Rodriguez v. Honduras*, 29 July 1988). E. Decaux and S. Touzé, *La Prévention des Violations des Droits de l'Homme* (Paris, Editions A. Pedone, 2015).

obligations of States include the duty to protect against human rights abuse by third parties, including private actors.[4] States may breach their international human rights law obligations where they fail to take appropriate steps to prevent, investigate, punish and redress private actors' abuse.[5]

5. The obligation to prevent human rights violations is expressly formulated in some treaties[6] and has been addressed more broadly in human rights treaty bodies' General Comments[7] and reports, notably in relation to: the prevention of torture,[8] genocide,[9] mass atrocities,[10] incitement to hatred,[11] violent extremism,[12] and the elimination of discrimination on particular grounds (such as race,[13] religion or belief[14] or sexual orientation (A/HRC/29/23)) or with regard to a particular group (such as women,[15] persons with disabilities[16] and minorities (A/HRC/28/30, paras. 13–14); A/69/66). The consideration of prevention of violation of these specific rights highlights some common features and approaches to prevention, including the identification of risk and mitigating factors, and the development of some practical tools.

6. For example, the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity requires "sustained efforts to build the resilience of societies to atrocity crimes by ensuring that the rule of law is respected and that all human rights are protected, without discrimination; by establishing legitimate and accountable national institutions; by eliminating corruption; by managing diversity constructively; and by supporting a strong and diverse civil society and a pluralistic media".[17] Further, the Protocol for the Prevention

[4] See Human Rights Committee General Comment 31, para. 8 and Communication No. 195/1985, *Delgado Paez v. Colombia*, Views adopted on 12 July 1990; Convention on the Elimination of All Forms of Discrimination against Women General Recommendations 19 and 28. The European Court of Human Rights has established that claims may arise against the State when the police fail to protect individuals from violations of their rights by other individuals (*Osman v. United Kingdom* (Appl. No. 87/1997/871/1083), judgment of 28 October 1998.

[5] Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (annex of A/HRC/17/31), endorsed by Human Rights Council resolution 17/4.

[6] For example, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (art. 2); Convention on the Prevention and Punishment of the Crime of Genocide (art. 1).

[7] Most recently, Joint Convention on the Elimination of All Forms of Discrimination against Women General Recommendation No. 31/ Convention on the Rights of the Child General Comment No. 18 on harmful practices (CEDAW/C/GC/31-CRC/C/GC/18).

[8] E.g. Subcommittee on Prevention of Torture under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/OP/12/6); A/HRC/18/24, para. 8.

[9] E.g. by the Office of the United Nations Special Adviser on the Prevention of Genocide and of the Special Adviser on the Responsibility to Protect. E/CN.4/2000/12, paras. 3–10; A/HRC/10/25.

[10] Framework of Analysis for Atrocity Crimes: A tool for prevention (United Nations, 2014); A/64/864.

[11] Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4), appendix.

[12] The Secretary-General announced the drafting of a United Nations Plan of Action to Prevent Violent Extremism in February 2015.

[13] Committee on the Elimination of Racial Discrimination. See Developing National Action Plans Against Racial Discrimination: A Practical Guide (United Nations, 2014).

[14] Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

[15] See the broad range of actions required of States in art. 2, Convention on the Elimination of All Forms of Discrimination against Women.

[16] Arts. 12 and 16, Convention on the Rights of Persons with Disabilities.

[17] Framework of Analysis (footnote 10 above), p. 3.

and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and all forms of Discrimination[18] seeks to ensure that States respond to root causes by prohibiting discrimination and condemning discriminatory ideologies, combating impunity, and establishing early warning mechanisms.

7. Some treaty provisions point to an obligation of negative result (prevention being successful when there is no violation),[19] while in some cases prevention can be seen as an obligation of positive conduct (taking all necessary steps to adopt concrete and effective measures to prevent violations).[20] The International Court of Justice has declared that the obligation to prevent genocide is one of conduct and not one of result, in the sense that a State cannot be under an obligation to succeed, whatever the circumstances, in preventing the commission of genocide; the obligation is rather to employ all means reasonably available to them so as to prevent genocide so far as possible.[21] In this regard, article 6 of the Arms Trade Treaty prohibits any transfer of conventional arms where the State party has knowledge at the time of authorization that the arms would be used notably in the commission of genocide and crimes against humanity.

8. Furthermore, the terminology used for instance in relation to the prevention of torture usefully distinguishes between specific practical actions which need to be taken for preventive purposes (direct prevention or mitigation), and the response to violations which needs to be taken in order to remedy those violations and prevent recurrence (indirect prevention or non-recurrence).[22]

Direct prevention/mitigation

9. Direct prevention aims to eliminate risk factors and establish a legal, administrative and policy framework which seeks to prevent violations. It is also contingent on establishing a culture of respect for human rights, good governance[23] and the rule of law, and an enabling environment for a vibrant civil society and free press. For example, the prevention of torture and cruel, inhuman and degrading treatment or punishment includes adopting laws prohibiting their use and providing for prosecution of those who violate them. It also includes putting in place procedural safeguards – such as registers in places of detention and video recordings of interrogations – as well as ensuring independent oversight, including regular monitoring of places of detention by independent bodies.

Indirect prevention/non-recurrence

10. Indirect prevention of human rights violations, or non-recurrence, takes place after a violation has occurred. It aims to prevent recurrence by identifying and addressing causes of violations of all human rights,[24] through investigation and prosecution, ensuring the right

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[18] International Conference on the Great Lakes Region, 29 November 2006.

[19] See art. 3, Committee on the Elimination of Racial Discrimination; art. 2, Convention on Slavery; art. 1, Convention on the Prevention of Genocide.

[20] See art. 19, Convention on the Rights of the Child; and E. Decaux and S. Touzé (footnote 3 above).

[21] Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), Judgment, *I.C.J. Reports 2007*, p. 43.

[22] A/HRC/18/24, para. 36; A/HRC/28/30, para. 22; and "Preventing Torture: An Operational Guide for National Human Rights Institutions", p. 3 (OHCHR, Association for the Prevention of Torture, and Asia Pacific Forum, HR/PUB/10/1).

[23] See Good Governance Practices for the Protection of Human Rights (United Nations 2007).

[24] The United Nations system approach to transitional justice can be helpful to frame a preventive approach in seeking to prevent recurrence of human rights violations which have occurred (including

of victims and societies to know the truth about violations, and the right of victims to an effective remedy,[25] in accordance with international law.[26] Indeed, "effective domestic mechanisms of oversight, including complaints mechanisms, form an essential part of the apparatus of prevention. These mechanisms will take a variety of forms and operate at many levels" (CAT/OP/12/6, para. 5(g)).

III. Prevention in practice

11. This section will consider the practical implementation of prevention of violations, namely the importance of establishing a legislative and institutional framework for prevention; the crucial role of human rights education; and how planning and monitoring tools can contribute to prevention, in particular in the development of policies.

A. Legislative and institutional framework for prevention

12. The creation of a preventive legislative and institutional framework requires a coherent and complementary range of actions, underpinned by an inclusive and participatory approach which includes women and others who face discrimination. As a first step, prevention includes ratifying human rights treaties[27] and adopting laws and policies that guarantee human rights in law and practice. For example, this can include introducing a positive duty on public bodies to have due regard to human rights and equality in their work and conduct their business in a manner that is consistent with human rights.[28]

13. Regular and systematic review of existing and proposed legislation for compliance with a State's human rights obligations is an important safeguard.[29] Such review may be done through a judicial, parliamentary or internal State process. National human rights institutions[30] may be specifically mandated to complement such a review and to provide

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identifying root causes) and engendering institutional reform in relation to State structures and institutions that facilitated or promoted such violations. Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice (United Nations, 2010); Transitional Justice and Economic, Social and Cultural Rights (United Nations, 2014).

[25] The Human Rights Committee has taken the view that the right to an effective remedy may in certain circumstances require State parties to provide for and implement provisional or interim measures to avoid continuing violations and to endeavour to repair at the earliest possible opportunity any harm that may have been caused by such violations (General Comment No. 31, para. 19).

[26] Art. 2, International Covenant on Civil and Political Rights; art. 2, Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; art. 23, Committee on Enforced Disappearances; LaGrand Case (*Germany v. United States*), Judgment, *I.C.J. Reports 2001*; E/CN.4/2005/102/Add.1, principle 35.

[27] Response by Madagascar.

[28] Response by Ireland.

[29] E.g. Recommendation Rec(2004)5 of the Committee of Ministers of the Council of Europe to Member States on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights. See related discussion below about impact assessments of proposed laws and policies.

[30] Response by the Republic of Moldova; Response by Hungary. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment specifies that the "State should inform the [National Preventive Mechanism] of any draft legislation that may be under consideration which is relevant to its mandate and allow the NPM to make proposals or observations on any existing or draft policy or legislation. The State should take into consideration any proposals or observations on such legislation received from the NPM." (CAT/OP/12/5, para. 28).

relevant authorities with information about compatibility or recommendations, which have led to changes in proposed laws or policy. Review may also require that draft legislation be submitted to a body prior to being sent to the legislature, with an accompanying document specifying that it has been reviewed and is compatible with the State's human rights obligations.[31] The review process may include consultation with other actors such as civil society, to provide additional information and expertise throughout the legislative process.[32] Bodies mandated to undertake such a review should be independent, impartial and their comments taken into account when revising legislation or policies.

14. Further, international human rights norms and standards should become part of the national legal system[33] so as to ensure they can be invoked in national courts. This requires the establishment of an effective system of administration of justice,[34] with courts empowered to interpret constitutional provisions in line with the State's human rights obligations and international or regional jurisprudence,[35] and enabling them to strike down laws which are deemed unconstitutional.[36]

Need for a victim-centred approach to prevention

15. Provisions should be in place to provide effective remedies for victims. The establishment of effective monitoring mechanisms to check for actual and potential violations, and to ensure that groups or individuals are not discriminated against in law, policy and practice, is also key. Indeed, prevention is "as much the practice as it is the content of a State's legislative, administrative, judicial or other measures" (CAT/OP/12/6, para. 3).

16. The legal system should be accessible to all, without discrimination on any grounds, including nationality, financial means and language. In turn, this requires that victims know about their rights, available remedies and how to access them. Similar issues arise where non-judicial remedies are used. Provision of free legal advice and pro bono services for victims of human rights violations by NHRIs, civil society, and bar associations can assist in ensuring accessibility of remedies.

National human rights institutions

17. The establishment of NHRIs compliant with the Paris Principles[37] constitutes another important institutional element of the preventive framework. Some are specifically

[31] Response by Australia.
[32] Response by Human Rights House of Albania.
[33] Response by Togo. See Human Rights Committee General Comment 31, para. 13.
[34] Response by Promo-LEX.
[35] Response by the International Fellowship of Reconciliation.
[36] E.g. South Africa Constitutional Court: *Government of the Republic of South Africa. & Ors v. Grootboom & Ors* 2000 (11) BCLR 1169 (CC) (which held that the Government had failed to meet its obligation to provide for those desperately in need of adequate housing); and *Minister of Health v. Treatment Action Campaign* (TAC) (2002) 5 SA 721 (CC) (which held that the Government had breached its human rights obligations by failing to take reasonable measures (at affordable cost) to make wider provision of anti-retroviral medication to prevent mother-to-child transmission of HIV). See also *People's Union for Civil Liberties and another v. Union of India and others*, Supreme Court of India, Civil Original Jurisdiction, Writ Petition (Civil) No. 196 of 2001, judgment of 2 May 2003 (concerning the right to food in the context of a preventable famine in Rajasthan). See Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation (United Nations 2006), p. 3.
[37] Principles relating to the status of national institutions, A/RES/48/134, annex.

mandated to contribute to the prevention of violations,[38] and to investigate complaints and undertake conciliation, mediation and settlement, as well as analyse root causes of violations and recommend remedial action to prevent recurrence. Their contribution to indirect prevention may be strengthened when they are mandated to consider the government policy underlying the issue. Some NHRIs are also able to make representations in court about the State's obligations under international human rights law.[39]

18. NHRIs also contribute to direct preventive measures through on-site visits and investigations in places where persons are deprived of their liberty,[40] and some are designated as national preventive mechanisms (NPMs) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Developing a "culture" of monitoring through regular, unannounced inspections and independent, effective and timely complaints systems, is key to profound behavioural and institutional change.[41] Inspections may look at systemic problems as well as individual situations, and result in timely public reporting of findings and recommendations. Reports may include a requirement that those who are inspected produce an action plan within a specified time period, that includes whether recommendations are accepted in whole, in part or rejected, and the action taken or planned in response. In turn, this plan can be monitored by the inspecting body, and forms the basis for the next inspection. In this way, action, monitoring and follow-up are built in to a regular, ongoing system.

Role of civil society

19. The provision of a protective and enabling environment in law and practice for civil society is also an important element for prevention. This includes a conducive legal, institutional and administrative framework; access to justice and an end to impunity for violations against defenders; strong and independent NHRIs; effective protection policies and mechanisms paying attention to groups at risk; specific attention to women defenders; non-State actors that respect and support the work of defenders; safe and open access to international human rights bodies; and a strong and dynamic community of defenders.[42] Reprisals for communicating with national, regional and international human rights mechanisms should also be prohibited.[43]

20. Indeed, civil society has a vital role to play in the prevention of human rights violations.[44] They assist in identifying issues of concern, monitoring and advising on laws, policies and practices of States and private actors, bringing their grassroots contacts and expertise on issues to bear in all these respects. Civil society[45] also engages in human rights education and training, including helping to change perceptions about groups and issues.

[38] Response by Commission Nationale des Droits de la Personne, Rwanda. Some NHRIs are also nominated as the independent authority under art. 33, Convention on the Rights of Persons with Disabilities.

[39] Response by the Human Rights Commission of Malaysia.

[40] Response by the Comision Nacional de los Derechos Humanos Mexico.

[41] Response by Her Majesty's Inspectorate of Prisons.

[42] Report of the Special Rapporteur on the situation of human rights defenders, Elements of a safe and enabling environment for human rights defenders (A/HRC/25/55). See also "Civil Society Space and The United Nations Human Rights System" (OHCHR, 2014); General Assembly resolution 53/144, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

[43] See recommendations in A/HRC/28/63; Policy of the Subcommittee on Prevention of Torture on reprisals in relation to its visiting mandate.

[44] Response by Trinidad and Tobago.

[45] Response by Cuba.

These activities inform and lead into their engagement in regional and international human rights reporting mechanisms, starting with engagement at the national level, through the national consultations and report preparation, through the external aspect, and back to the national level for the implementation phase. Their role in bringing cases at the national, regional or international level is also important.

Measures regarding prevention of human rights abuses by private actors

21. States generally have discretion in deciding upon the appropriate steps to prevent, investigate, punish and redress private actors' abuse. They should consider the full range of permissible preventative and remedial measures, including policies, legislation, regulations and adjudication.[46] For example, with relation to discrimination against women, the appropriate measures include the regulation of the activities of private actors with regard to education, employment and health policies and practices, working conditions and work standards, and other areas in which private actors provide services or facilities, such as banking and housing (CEDAW/C/GC/28, para. 13).

22. Importantly, States do not relinquish their international human rights law obligations when they privatize the delivery of services[47] such as water and sanitation (A/HRC/15/31), education (A/69/402) or powers of arrest or detention.[48] States should ensure that they can effectively oversee the enterprises' activities, including through the provision of adequate independent monitoring and accountability mechanisms.

23. Concomitantly to State obligations, the Guiding Principles on Business and Human Rights[49] set out the elements which business enterprises should follow in order to meet their corporate responsibility to respect human rights. First, they must institute a policy commitment to meet the responsibility to respect. Second, they must undertake ongoing human rights due diligence to identify, prevent, mitigate and account for their human rights impact, and be prepared to communicate their commitment and actions externally, including to those groups likely to be affected by their operations. As operations, context and impact may change, a business enterprise should periodically reassess its potential or actual impact on all human rights. Business enterprises should also seek to prevent or mitigate any adverse impact that is directly linked to their operations, products or services through their business relationships. Finally, they must have processes in place to enable remediation for any adverse human rights impact to which they cause or contribute.

B. The role of human rights education

24. Human rights education contributes to the prevention of human rights violations and conflict, and to the enhancement of participation in decision-making processes within a democratic system.[50] It should be intended as a lifelong and participatory process developing knowledge, skills and attitudes which prompt behaviour to defend and promote human rights. In this sense, it empowers rights-holders to claim their rights, and develops the capacity of those with power and responsibility (duty-bearers), such as the police,

[46] Guiding Principle 1 on Business and Human Rights.

[47] Ibid., Guiding Principle 5 and commentary.

[48] Human Rights Committee General Comment No. 35, para. 8.

[49] See also "The Corporate Responsibility to Respect Human Rights – An Interpretive Guide" (OHCHR, 2012).

[50] United Nations Declaration on Human Rights Education and Training, para. 2; A/HRC/27/28, paras. 1–9.

military and public officials,[51] to meet their obligations to protect, respect and fulfil human rights. Inadequate human rights education has been identified as one of the greatest obstacles to the enjoyment of all human rights by all persons (A/HRC/28/30, para. 20).

25. Human rights education is primarily a State responsibility.[52] States should systematically infuse human rights education in the formal education system, and in the training of State agents. For example, training of judges and lawyers should encompass human rights norms and standards as well as related international and regional jurisprudence.[53] Specific and methodologically-sound guidance is provided by the Plans of Action for the first (primary and secondary school systems) and second phase (higher education and training of civil servants, law enforcement officials and the military) of the World Programme for Human Rights Education,[54] which seeks to advance national implementation of human rights education programmes in all sectors. The Human Rights Council has reviewed the evaluation report (A/HRC/30/24) of the second phase of the World Programme, based on national evaluation reports submitted by States; and States could consider including national implementation of human rights education as a regular element in the Universal Periodic Review.[55]

26. Human rights education and training include curriculum and material development, the use of learner-centred and participatory methodologies, the adoption of enabling policies and policy implementation measures, and the fostering of learning environments in which human rights are respected. To enable this, related knowledge and skills of teachers and educators should be strengthened. Inclusive schools, universities and educational institutions which promote human rights, model respect for others, and embrace and celebrate diversity can be key in fostering both inclusivity itself and inclusive attitudes, and should be encouraged and protected by the State.[56]

27. In addition to being a specific responsibility of the State, human rights education is also undertaken by other stakeholders, including NHRIs (A/HRC/28/30, para. 20) and civil society.[57] OHCHR supports national efforts for human rights education through its field presences, coordinates the World Programme for Human Rights Education, provides expert advice, elaborates and disseminates methodological tools based on good practice, and maintains resources to facilitate information-sharing.[58]

28. Many NHRIs promote human rights education using a variety of tools including radio programmes, games and interactive tools, and online programmes. NHRIs also focus on specific groups that are more likely to face discrimination or violations. This includes programmes aimed at specific groups and those interacting with these groups, such as social services, teachers and school staff, and police. NHRIs may identify particular needs of specific groups through their monitoring role, individual cases and broader statistical analysis, which demonstrates the benefits of coherence and cross-fertilization between the different functions of these bodies.

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[51] Response by Cyprus; Response by Mexico; Response by the United Arab Emirates.

[52] See "The Right to Human Rights Education", a web resource which compiles relevant commitments made by States in international and regional intergovernmental forums, available from: http://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/Listofcontents.aspx.

[53] Bertrand G. Ramcharan, *Preventive Human Rights Strategies* (London, New York, Routledge, 2010) p. 52.

[54] General Assembly resolution 59/113, World Programme for Human Rights Education.

[55] Response by the Finnish Human Rights Centre.

[56] Response by Scholars at Risk. See Global Coalition to Protect Education from Attack: Principles of State Responsibility to Protect Higher Education from Attack.

[57] Response by Agence de Diffusion de Droit International Humanitaire en Afrique Centrale.

[58] See http://www.ohchr.org/EN/Issues/Education/Training/Pages/HREducationTrainingIndex.aspx.

29. NHRIs also promote public awareness of human rights[59] in the media, through press releases, reports, expert opinions and recommendations[60] (including advocacy for the ratification of human rights treaties[61]). NHRIs have created Visitor Centres as a means of education and outreach, and some take part in television programmes including to present cases and issues to the public.[62] Finally, NHRIs further serve to share good practices and lessons learned between States where their recommendations and views are made public, for example as part of annual reports.

C. Planning and monitoring tools

30. A number of planning and monitoring tools may assist States and other stakeholders in the prevention of human rights violations, in particular in the development of policies. Some States have developed national action plans on human rights[63] or action plans on specific thematic issues,[64] which can serve to guide prevention efforts. Further, the establishment of a body which brings together relevant State entities, NHRIs and civil society to advise either the State or the NHRI in relation to human rights issues in general or in relation to a specific group,[65] for example older persons,[66] is also important.

Human rights impact assessments

31. Human rights impact assessments are instruments for examining policies, legislation, programmes and projects prior to their adoption to identify and measure their impact on human rights (e.g. A/HRC/19/59/Add.5). They are designed to identify the intended and unintended impact on the enjoyment of human rights, and the State's ability to protect and fulfil them. As such, they are a planning tool to prevent human rights violations by assessing the formal or apparent compatibility of laws, policies, budgets[67] and other measures with human rights obligations, as well as the likely impact in practice, thus creating the opportunity for reconsideration, revision or adjustment prior to adoption. Prior consultation with relevant stakeholders can assist in identifying possible impacts on human rights. Such efforts can lead to government branches and departments adopting a mandatory human rights-based approach to planning, as well as a mandatory and systematic use of international and regional human rights mechanisms recommendations in the formulation of public policies.[68] A noteworthy and recent example includes the requirement in article 7 of the Arms Trade Treaty that, when a proposed transfer of conventional arms is not prohibited, the exporting State must still assess notably where they could be used to commit

[59] Response by Qatar; Response by the National Human Rights Commission of Korea.
[60] Response by the Slovak National Centre for Human Rights.
[61] Response by the Jordan National Centre for Human Rights.
[62] Response by the Austrian Ombudsman Board.
[63] The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993 recommended that "Each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights." See *Handbook on National Human Rights Plans of Action* (United Nations, 2002).
[64] Response by Albania; Response by Kazakhstan; Response by Honduras. Submissions reflected a wide range of legislation, policies and programmes including with regard to trafficking, migration, and violence against women. See also A/HRC/18/24, paras. 9–10.
[65] Response by Argentina; Response by Georgia. See also A/HRC/18/24, paras. 18–19.
[66] Response by Slovakia.
[67] The Convention on the Rights of the Child has raised the importance of budgeting in relation to the best interests of the child (General comment No. 14 (2013), para. 35). See also A/HRC/28/30, para. 19.
[68] For illustrations, see OHCHR Annual Report 2011, pp. 64–66.

or facilitate serious violations of international human rights law or international humanitarian law.

32. When undertaken by policymakers, human rights impact assessments can ensure that all human rights are factored into policy development at the earliest possible stage. For example, policy planning should ensure adequate social protection and combat social exclusion. This is crucial in particular as many States have responded to the recent global financial crisis with austerity measures that significantly cut social sector spending.[69] According to a recent OHCHR report, "cuts in public sector employment and in funding for social safety nets have resulted in the denial or infringement of economic, social and cultural rights, especially for populations that are already marginalized or at risk of marginalization and in some cases may violate the prohibition on discrimination in the enjoyment of human rights" (E/2013/82, para. 70). The Chairperson of the Committee on Economic, Social and Cultural Rights has in this regard noted that, to comply with their human rights obligations, States parties to the Covenant on Economic, Social and Cultural Rights must justify austerity measures by demonstrating that such measures actually protect the rights outlined in the Covenant, and particularly the rights of the most vulnerable. This requires States to demonstrate that all other alternatives have been exhausted and that the measures are necessary, proportionate, respectful of minimum core obligations and non-discriminatory.[70]

Data collection and analysis of statistics

33. Data collection and analysis of statistics about the population and specific issues is essential to prevent and address discrimination against specific groups. This in turn requires that data coverage is sufficiently accurate and representative: where groups are not included in the first place in data collection, their absence from programmes, or discrimination against them, will not appear in statistics. Participation by NHRIs, civil society, specific groups and statisticians in the preparation of surveys and questionnaires helps to minimize this risk. A human rights approach to data disaggregation requires reaching the most vulnerable and marginalized groups, and ensuring that human rights safeguards are in place for the collection, processing, analysis and dissemination of that data (including ensuring the rights to data protection, registration and self-identification).[71]

34. Helplines, complaint and petition registries of NHRIs (A/HRC/18/24, para. 43) and similar programmes are a useful supplement to systematic data collection and may also provide a basis for identifying issues and problems that are not being adequately addressed or had not previously been identified.

Human rights indicators

35. Human rights indicators[72] are essential tools to help States assess their own progress in ensuring the enjoyment of human rights by their people, planning for actions to prevent human rights violations, and monitoring the implementation of such actions for effectiveness and whether adjustments or further actions are needed. In the work of the

[69] Response by the Ombudsman of the Republic of Latvia.

[70] Arranga G. Pillay, Chairperson, Committee on Economic, Social and Cultural Rights, Letter to States Parties, 16 May 2012, available from http://www2.ohchr.org/english/bodies/cescr/docs/LetterCESCRtoSP16.05.12.pdf.

[71] "SDGs [Sustainable Development Goals] Indicator Framework: A Human Rights Approach to Data Disaggregation to Leave No One Behind" (OHCHR, 2015).

[72] Human Rights Indicators: A Guide to Measurement and Implementation (United Nations, 2012). See also E/2011/90 on the use of indicators in realizing economic, social and cultural rights.

United Nations human rights treaty bodies, for example, the use of appropriate indicators is a way to help State parties make precise and relevant information available to the treaty bodies, and to help them assess progress in the implementation of State obligations under the treaties.[73]

36. OHCHR has developed a conceptual and methodological framework of indicators that can be applied and contextualized through participatory processes at the national level. The framework recommends the development of structural, process and outcome indicators. This configuration should help assess the steps being taken by States in addressing their obligations – from commitments and acceptance of international human rights standards (structural indicators) to efforts being made to meet the obligations that flow from the standards (process indicators) and on to the results of those efforts (outcome indicators). For example, with regard to the right to liberty and security of person, a structural indicator might indicate the date of entry into force and coverage of the right in the constitution; a process indicator might reflect the proportion of complaints received on the right investigated and adjudicated by the NHRI; and the outcome indicator would indicate the proportion of arrests and detentions declared unlawful by national courts.[74]

Follow-up to recommendations by human rights mechanisms

37. The development of tools to follow up on recommendations addressed to States by human rights mechanisms is also very important. In the first instance, compiling recommendations in a publicly available, accessible and coherent form[75] enables relevant government bodies and other stakeholders to monitor their implementation. This could take the form of a publicly available and regularly updated online database which could indicate the status of implementation, and would also facilitate the consideration of such recommendations in the development or revision of any national strategy or plan of action on human rights. Specific laws or procedures can be adopted for the national implementation of international and regional jurisprudence, and invite a representative of the victim to participate in the governmental body charged with national implementation of that individual case.[76] Standing mechanisms can also be established within ministries to monitor the implementation of recommendations, in particular in light of structural issues which may have been identified through regional human rights mechanisms, and to seek to prevent further violations based on these issues.[77]

38. The implementation of human rights recommendations from human rights mechanisms into national policies and programmes requires effective coordination, an analytical framework and a harmonious methodological approach. The causes of human rights violations may be obvious, for example laws or policies which exclude certain groups from education. They may also be more complex and encompass a range of legal, policy, practical and social attitudes. Participation of affected persons can help to identify the causes and to consider possible solutions, as well as address the right to participate in decisions. The establishment of inclusive standing coordination and follow-up mechanisms has proven a useful tool in that regard (A/HRC/27/41, para. 101). Consultation and

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[73] E.g. the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment recommended that Honduras should develop disaggregated indicators to monitor and document incidents of inter-prisoner violence with a view to revealing root causes and designing appropriate prevention strategies (CAT/C/HND/CO/1, para. 17).

[74] Human Rights Indicators (footnote 72 above), p. 88.

[75] E.g. Universal Human Rights Index provides access to country-specific human rights information emanating from international human rights mechanisms in the United Nations system.

[76] Response by Paraguay.

[77] Response by Ukraine.

involvement of all levels of government from the outset helps to ensure their continued engagement through to the implementation phase. The creation of (inter-)ministerial or inter-institutional bodies with a clearly designated lead ministry, which also include NHRIs and civil society, can enhance the capacity for timely action. Ensuring the involvement of the same bodies or processes for consultation and coordination with regard to prevention of human rights, as for implementation of recommendations from human rights mechanisms, can contribute to effectiveness, coherence and consistency.

39. Planning, monitoring and accountability related to the human rights commitments contained in the new post-2015 Agenda will also be key. States have reaffirmed in the final draft of the sustainable development goals that the new post-2015 Agenda would be guided by the purposes and principles of the Charter of the United Nations, including full respect for international law; and grounded in the Universal Declaration of Human Rights, international human rights treaties and other international instruments such as the Declaration on the Right to Development.[78] Achieving the effective implementation of the Agenda will depend on the creation of a strong "follow-up and review" framework to ensure that commitments are met.[79]

IV. Role of international and regional stakeholders in prevention

40. International and regional stakeholders can assist States in identifying and proposing remedial action in relation to gaps or weaknesses in protection, laws, policies and practices, including through the Universal Periodic Review.

A. International and regional human rights mechanisms

41. International and regional human rights mechanisms[80] complement and assist national processes for prevention of human rights violations, through external insight and expertise with regard to the situation, laws, policies and practices, drawing on their knowledge of practices and challenges faced by other States. They also encourage interaction and engagement between the State and other stakeholders on human rights issues, and serve to inform the content of rights as their recommendations are often public. The Human Rights Council has recalled its role in the prevention of human rights violations through cooperation and dialogue, in accordance with General Assembly resolution 60/251 (A/HRC/RES/24/16, preamble). While the international system brings a global perspective and universality to human rights protection, regional mechanisms may have a "greater capacity for early detection, and could draw on experience from comparable situations in

[78] Final draft of the Post-2015 outcome document dated 8 July 2015, para 10. See also for example, draft goal 16 ("Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels") which would inter alia seek to strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, to prevent violence and combat terrorism and crime; and promote and enforce non-discriminatory laws and policies for sustainable development.

[79] "Integrating Human Rights into the Post-2015 Development Agenda - Follow-up and Review: Ensuring Accountability for the SDGs" (OHCHR, May 2015).

[80] These include United Nations mechanisms, and those established, for example, by the European Union, Council of Europe, Organization for Security and Cooperation in Europe, African Union, and Organization of American States. See K. Martin-Chenut and S. Turgis in E. Decaux and S. Touzé, *La Prévention des Violations des Droits de l'Homme* (footnote 3 above); Linos-Alexandre Sicilianos, *The Prevention of Human Rights Violations*, Parts I and II (Athens, The Hague, New York, Martinus Nijhoff, 2001).

regional countries… some countries respond better to examples drawn from neighbouring countries" (A/HRC/28/30, para. 18).

42. These mechanisms typically monitor the implementation of human rights obligations through the consideration of periodic reports and examination of individual communications. In their views on such communications, relevant mechanisms not only consider whether or not a violation has occurred in an individual case, they also provide an analysis of their causes, as well as identify what action should be taken to prevent recurrence.[81] Complaints mechanisms may also directly prevent human rights violations through their interim measures provisions.[82] Another example of the functions of international and regional mechanisms includes friendly settlement procedures of the Inter-American Commission on Human Rights, which seeks to guarantee non-repetition to prevent future violations of human rights.[83] These guarantees have included adoption of new laws and repeal of existing ones,[84] implementation of public policies designed to protect human rights, and human rights training for public officials.[85]

43. Mechanisms for the prevention of torture,[86] the special procedures established by the Human Rights Council and some treaty bodies undertake country visits and produce thematic reports and studies. Many also contribute to prevention by developing new standards and guidelines, and assisting States in the interpretation of provisions included in human rights instruments. Some are mandated to conduct inquiries or early warning or urgent actions which have the prevention of human rights violations as their primary objective.[87]

44. The Universal Periodic Review is a unique process through which the human rights records of all United Nations Member States are considered. It constitutes an opportunity for States to provide information on action taken to improve the human rights situation and to overcome challenges to the enjoyment of human rights by all individuals within their jurisdiction. It can assist States in identifying potential violations and ways in which to address them, including through sharing of good practices. Follow-up to recommendations has led to positive legislative and policy change.[88]

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[81] For example, the Human Rights Committee commended "the prompt response and the measures taken by the State party to remedy the infringements on religious freedom identified in the Committee's views in Communication No. 1155/2003 [*Leirvåg v. Norway*, Views adopted on 3 November 2004], including the adoption of amendments to the Education Act" (CCPR/C/NOR/CO/5).

[82] Some mechanisms may, at any stage before a case is considered, issue a request to the State for "interim measures" in order to prevent any irreparable harm to the author or alleged victim in the particular case. Typically, such requests are issued to prevent actions that cannot later be undone, for example, the execution of a death sentence or the deportation of an individual facing a risk of torture.

[83] Inter-American Commission on Human Rights, Impact of the Friendly Settlement Procedure (OEA/Ser.L/V/II. Doc. 45/13 of 18 December 2013).

[84] Ibid., p. 52.

[85] Ibid., p. 6.

[86] Including the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Council of Europe Committee on the Prevention of Torture.

[87] E.g. Committee on the Elimination of Racial Discrimination's early warning and urgent action procedure; communications procedure of special procedures.

[88] See "A National Human Rights Action Plan – Uganda follows through on its commitment to the Universal Periodic Review", available from http://www.ohchr.org/EN/NewsEvents/Pages/UgandaNationalHumanRightsActionPlan.aspx.

B. Contribution of international and regional organizations to prevention

45. International and regional organizations, including the United Nations,[89] contribute to the prevention of human rights violations through their respective mandates by supporting States to fulfil their obligations in respect of human rights.[90] General Assembly resolution 48/141 specifically mandates OHCHR to "play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world". OHCHR provides technical expertise and capacity development to assist governments to fulfil their obligations, support individuals to claim their rights and speak out objectively on human rights violations.[91] Further, for example within the Council of Europe, States may seek assistance in preparing laws or assessing their compliance with human rights standards from the Council of Europe Human Rights Directorate and its European Commission for Democracy through Law (Venice Commission).

46. The recent launch of the Human Rights up Front (HRuF) initiative has reinforced the crucial role of the United Nations in prevention. HRuF is a United Nations Secretary-General's initiative designed to ensure that the United Nations system takes early and effective action to prevent or respond to serious and large-scale violations of international human rights or humanitarian law, as mandated by the Charter of the United Nations and resolutions. The primary focus is on prevention and in ensuring that all United Nations entities place the protection of people's human rights at the heart of United Nations strategies and operational activities,[92] while supporting States' action to discharge their responsibilities.

47. Indeed, many crises are the result of protracted and dynamic processes that have at their root long-lasting patterns of violations of a range of rights that, for not having been addressed early enough, have fuelled instability, violence and conflict. A United Nations-wide response requires that early signs of violations are identified and acted upon in a timely manner. For this purpose, the early availability of human rights information and analysis, linking patterns of violations of rights with political and security developments, is key. Alongside United Nations human rights field presences, human rights mechanisms collect a wealth of information on human rights issues, including on gaps in human rights protection, risks of violations and patterns, scale and nature of violations. This information, when effectively analysed, coordinated and channelled, has informed the development of strategies and responses in partnership with States, as well as decisions on the best course of action by the United Nations. By placing the focus on prevention, the HRuF initiative strengthens this link between violations as early warning signs and early action by the United Nations.[93]

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[89] One of the purposes of the United Nations is "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace" (Article 1, Charter of the United Nations). The role of the International Criminal Court and similar bodies in complementing and reinforcing national criminal justice processes can also assist in preventing impunity and future human rights violations.

[90] Response by Italy.

[91] E.g. OHCHR's report on technical assistance and capacity-building options for integrating human rights into national policies, drawing from worldwide best practices in that field (A/HRC/27/41).

[92] Available from http://www.un.org/sg/rightsupfront/

[93] HRuF is beginning to result in changes in the way the United Nations internally approaches situations involving violations. For example, it provided the conceptual cover and institutional backing for the decision by the leadership of the United Nations Mission in South Sudan to open the gates of the United Nations compounds to protect civilians seeking shelter. During the crisis in the Central

V. Conclusions and recommendations

48. **Prevention of human rights violations is primarily the responsibility of the State. It requires a proactive, continuing and systemic process of addressing risk factors and causes of human rights violations through a range of measures, including law, policy and practice, to ensure respect for and protection of all human rights for all those within the State's territory or jurisdiction. International and regional organizations contribute to the prevention of human rights violations through their respective mandates by supporting States to fulfil their human rights obligations.**

49. **A framework for the prevention of human rights violations requires the ratification of human rights treaties and their implementation at the domestic level; regular and independent review of existing and proposed laws and policies for compliance with those provisions; and ensuring effective remedies for human rights violations that provide redress for the victim and institutional change to prevent recurrence. This in turn requires the establishment of independent institutions, including NHRIs and an accessible and effective legal system.**

50. **A culture of human rights compliance should be developed through effective, independent, transparent monitoring and inspection, which engages critically and constructively with all stakeholders, including rights holders, in particular women and members of the most vulnerable and marginalized groups.**

51. **Effective human rights education, which develops knowledge, skills and attitudes prompting action for human rights and uses sound methodologies, is essential and complementary to other preventive measures.**

52. **States must protect against human rights abuse by private actors and may breach their international human rights law obligations where they fail to take appropriate steps to prevent, investigate, punish and redress private actors' abuse. States should consider the full range of permissible preventative and remedial measures, including policies legislation, regulations and adjudication. Concomitantly, private actors should also respect the human rights of others, and business enterprises should comply with their responsibility to respect human rights. This requires taking adequate measures for the prevention, mitigation and, where appropriate, remediation of adverse human rights impacts.**

53. **The State should provide an enabling environment for NHRIs and civil society to perform their functions, which will further contribute to its primary responsibility to prevent human rights violations. NHRIs and civil society provide independent expertise, assistance to victims, information to the public and specific groups about their rights and how to access them, and undertake other functions such as visiting places where persons are deprived of liberty.**

54. **Planning and monitoring tools, including human rights impact assessments, can assist States to promote and protect human rights, and prevent violations thereof through human rights indicators, collection and analysis of statistics, taking into account the OHCHR framework (HR/PUB/12/5).**

African Republic in 2013-14, the HRUF approach created a renewed sense of responsibility among United Nations senior leadership of the need to address the crisis from a human rights protection perspective.

55. **International and regional human rights mechanisms bring independent expertise and provide impetus for national action and reflection. Complaints procedures and early warning mechanisms can also contribute to the prevention of human rights violations.**

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

High-level panel discussion on the question of the death penalty

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 26/2. It provides a summary of the high-level discussion on the question of the death penalty held on 4 March 2015 at the twenty-fifth session of the Council. The objective of the panel discussion was to continue the exchange of views on the question of the death penalty and to discuss regional efforts aiming at the abolition of the death penalty and related challenges.

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I. Introduction

1. Pursuant to its resolution 26/2, the Human Rights Council held its first biennial high-level panel discussion on the question of the death penalty on 4 March 2015, at its twenty-eighth session. The aim of the panel discussion was to exchange views on the question of the death penalty, and to address regional efforts aiming at the abolition of the death penalty and the challenges faced in that regard.

2. The panel was chaired by the President of the Human Rights Council, Joachim Rücker; opened by the Assistant Secretary-General for Human Rights, Ivan Šimonović; and moderated by the former President of the Swiss Confederation, Ruth Dreifuss. The panellists were the Chairperson of the African Commission on Human and Peoples' Rights, Sylvie Zainabo Kayitesi; the European Union Special Representative for Human Rights, Stavros Lambrinidis; the President of the Inter-American Commission of Human Rights, Tracy Robinson; the Commissioner from the International Commission against the Death Penalty, Mohammed Bedjaoui; and Commissioner at the International Commission of Jurists Sara Hossain.

II. Opening remarks and statements

3. In his introductory remarks, Mr. Rücker welcomed the fact that around 160 countries around the world had either abolished the death penalty, introduced a moratorium or did not practise it as a major achievement, and underlined the progress that represented from a starting point of only 14 countries in 1948. He also pointed out that under international law, the death penalty could only be imposed for the most serious crimes, and only after a fair trial, among other safeguards.

4. In his opening remarks, the Assistant Secretary-General for Human Rights described various regional efforts towards the abolition of the death penalty and expressed confidence that those initiatives contributed to the broader global trend. The Americas were the first region to witness the abolition of the death penalty, with Venezuela in 1867, many others having followed suit since. That led to the adoption of the Protocol to the American Convention on Human Rights to abolish the death penalty in 1990. In Africa, a protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty was being considered following the adoption in 2014 of the Declaration of the Continental Conference on the Abolition of the Death Penalty in Africa (Cotonou Declaration). In Europe, since the 1990s the Council of Europe had made abolition of the death penalty a requirement for membership, and in the previous 16 years, no death sentence had been carried out in any of the 47 member States. In Asia and the Middle East, national human rights institutions, parliaments, civil society organizations and other stakeholders were actively working towards the abolition of the death penalty. In that regard, the Assistant Secretary-General pointed out that in November 2014, the representative of Indonesia to the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the European Union, had organized a regional meeting on moratoriums on the use of the death penalty in the region. He also mentioned that the Consultative Commission for the Protection and Promotion of Human Rights of Algeria, together with OHCHR, had organized a regional meeting in December 2014 in Algiers on moving away from the death penalty in the Middle East and the North African region.

5. The Assistant Secretary-General welcomed the fact that in the six months preceding the panel discussion, the death penalty had been abolished in Chad, Fiji and Madagascar, and that the most recent General Assembly resolution on a moratorium on the use of the death penalty (resolution 69/186) had been supported by a record number of 117 countries.

He cautioned, however, that challenges remained: despite the overall trend towards abolition, some States had decided to maintain or reintroduce the death penalty, and others continued to impose death sentences for drug-related crimes. In that context, the Assistant Secretary-General questioned the death penalty's value as a deterrent, pointing out that there was no evidence that the death penalty discouraged anyone from committing crimes. He encouraged Member States to focus their crime prevention efforts on strengthening their justice systems, since all too often it was the poor and marginalized foot soldiers of the drug trade who were executed, rather than the drug kingpins. He also urged Member States not to accept opinion polls in favour of retention, because public opinion might be based on misconceptions about the deterrent effect and fairness of the application of the death penalty. It had been empirically proved that, the more a population was aware of facts, the less it supported the death penalty. He called on retentionist States to provide public, accurate and timely figures on their application of the death penalty and on crime statistics. The Assistant Secretary-General concluded by labelling the death penalty an inhuman and outdated punishment, and called on Member States to work together to render their justice systems more effective without resorting to executing immigrants, minorities, the poor and those with disabilities in order to demonstrate a commitment to fighting crime.

III. Contribution of the panellists

6. In her introductory remarks, as moderator of the Panel, Ms. Dreifuss stated that humanity had made considerable advances towards the universal abolition of the death penalty, given the ever-increasing number of abolitionist States. She mentioned that the reality of the death penalty had become very clear: it was accompanied by high levels of social discrimination; it did not deter crime; and there was no link between maintaining the death penalty and reducing violence in a society. She remarked that exchanging experience and raising awareness about the death penalty had helped to create a situation where entire regions and continents of the world were "death penalty free".

7. In response to questions from the moderator, Ms. Kayitesi's remarks focused on issues linked to the progress made towards the abolition of the death penalty in Africa since 1999, when the African Commission on Human and Peoples' Rights adopted a resolution urging States parties to the African Charter on Human and Peoples' Rights to implement a moratorium on the death penalty and encouraging its abolition.

8. Ms. Zainabo Kayitesi pointed out that a working group on the death penalty in Africa had been created by the African Commission on Human and Peoples' Rights in 2005, the mandate of which was to give effect to article 4 of the African Charter on Human and Peoples' Rights, which enshrined the right to life. The Commission had also carried out a study on the death penalty in Africa, which recommended the drafting of an additional protocol to the Charter abolishing the death penalty.[1] The Commission had reviewed the draft protocol to the Charter in February 2015, and it was anticipated that the draft would be adopted during a regular meeting of the Commission by the end of 2015. She underlined that the draft protocol filled a legal gap in the Charter, and would provide a useful regional tool on the road to universal abolition of the death penalty. In addition, a series of regional conferences had brought together States, national human rights institutions, civil society, academics, and representatives of the African Union. At the Continental Conference on the

[1] "Study on the question of the death penalty in Africa", submitted by the Working Group on the Death Penalty in Africa in accordance with resolution ACHPR/Res.79 (XXXVIII) 05, adopted by the African Commission on Human and Peoples' Rights at its 50th ordinary session (24 October–7 November 2011), Banjul, The Gambia.

Abolition of the Death Penalty in Africa that had taken place in late 2014 in Benin, a declaration on the abolition of the death penalty in Africa had been adopted, known as the Cotonou Declaration.[2] Ms. Zainabo Kayitesi also emphasized that the Commission had adopted two resolutions urging States to implement moratoriums and abolish the death penalty, in 1999[3] and in 2008[4] respectively.

9. Ms. Zainabo Kayitesi welcomed the significant progress made towards universal abolition in Africa, indicating that in 1999, 10 countries had abolished the death penalty and 11 had de-facto moratoriums, whereas currently 19 African countries had abolished the death penalty, and 23 had de-facto moratoriums. She also indicated that 10 African countries had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the most recent one being Gabon.

10. In response to questions from the moderator, Mr. Lambrinidis's remarks focused on issues linked to the legal and philosophical bases of the European Union's policy on the universal abolition of the death penalty.

11. Mr. Lambrinidis underlined Europe's strong commitment to the abolition of the death penalty, which was without asterisks, and without any reservation. He highlighted the fact that abolition was required before a State could join the European Union, as abolition defined European values. He also rejected attempts to view the abolition debate from a cultural perspective, drawing attention to the diversity of cultures among members of the Council of Europe, as well as the fact that many countries with different cultural backgrounds in all regions of the world had abolished the death penalty. Mr. Lambrinidis expressed the view that those countries that had gone through terrible atrocities tended to realize the cruelty of imposing the death penalty themselves. In that regard, he referred to the Holocaust in Europe, and to the commitment of European nations that that should never happen again which had contributed to Europe's firm abolitionist position. He further indicated that, as the people of Europe emerged from dictatorships, they realized that judges could make mistakes and that fundamental principles of due process were violated on occasion. Irreversible life and death decisions should, therefore, not be left in the hands of any State institution, including the judiciary, as long as the death penalty was allowed. Mr. Lambrinidis also pointed out that in those States that were not open and democratic, and/or where judges and other officers in the system of administration of justice were not sufficiently trained, the risk was even greater. He concluded by emphasizing that the death penalty violated the dignity of all individuals. Everybody and every State should defend their dignity through the abolition of the death penalty.

12. In response to questions from the moderator, Ms. Robinson's remarks focused on issues linked to the regional efforts in the Americas to abolish the death penalty, and the challenges that States had faced prior to ratifying the Protocol to the American Convention on Human Rights to abolish the death penalty, adopted in 1990.

13. Ms. Robinson noted that nearly half of the member States of the Organization of American States (OAS) had ratified the Protocol to the American Convention on Human Rights to abolish the death penalty. In 2011, the Inter-American Commission on Human Rights had published a report on the death penalty entitled "From restrictions to abolition". Also, at the request of a third of the OAS member States, both in 2013 and 2014, the Commission had held hearings to exchange views on the need for OAS-wide abolition of the death penalty.

[2] Available from www.achpr.org/news/2014/07/d150.

[3] Resolution ACHPR/Res.42(XXVI)99.

[4] Resolution ACHPR/Res.136(XXXXIII)08.

14. Ms. Robinson informed the Human Rights Council that Suriname had recently announced that it was on the way towards abolition of the death penalty. She pointed out that the United States of America was the only country in the region that continued to implement executions. Even the United States had, however, recently seen a shift in public opinion regarding the death penalty and a reduction in the number of executions. About a third of its States had abolished the death penalty. Ms. Robinson also stated that one of the key factors for the retention of the death penalty in several States in the Americas was the colonial heritage. There had, however, been significant progress. Thirteen of the 14 anglophone countries in the Americas had retained the death penalty. But in those countries there had been significant progress. Ms. Robinson emphasized that the jurisprudence of the Inter-American Court of Human Rights had contributed to reducing the number of persons sentenced to death in the region. No sentence had been carried out in the anglophone Caribbean since 2008, and there were further many countries in the Caribbean region that did not have any death-row prisoners. Referring to a statement by the Attorney General of one Caribbean State, she reported that human rights were firmly rooted and nurtured in the region. She recommended that, as a first step, executions in the United States should end and those countries with de-facto moratoriums should move to de-jure ones. She also urged Caribbean countries to refrain from using constitutional reform processes to halt progress towards the abolition of the penalty.

15. In response to questions from the moderator, Mr. Mohammed Bedjaoui's remarks focused on issues linked to progress made towards abolition in the Middle East and North Africa, since the adoption of the Arab Charter on Human Rights on 22 May 2004.

16. Mr. Bedjaoui stated that, while the Arab Charter on Human Rights, which came into force in 2008, did not abolish the death penalty, it restricted its use and introduced some safeguards, including an obligation to ensure that it was handed down by a competent court. It only allowed capital punishment for the most serious crimes. Pointing out that international law did not unequivocally abolish the death penalty, he stated that over the previous 20 years an increasing number of States had, however, favoured the abolition of the death penalty, including States from the North African region, notably Algeria. He also emphasized that leaders had to play a role in relation to the abolition of capital punishment. He said that civil society in the Arab world had become very dynamic, and was capable of influencing its leaders. He argued that the death penalty unfortunately frequently went hand-in-hand with authoritarian regimes. Democratization in the Arab world would create opportunities for realization of human rights for all in the region, irrespective of the diversities and identities, including through the abolition of the death penalty.

17. In response to questions from the moderator, Ms. Hossain's remarks focused on issues linked to the regional trends towards the abolition of the death penalty in Asia, human rights concerns regarding continued use of the death penalty in several States in the region, and the obstacles that hindered the abolition of the death penalty in the Asian region.

18. Ms. Hossain stressed that Asia was the only region in the world where there was no regional human rights instrument and no regional mechanism to drive change. She pointed out, however, that the vast majority of executions were only carried out in a few States and there was a discernable trend towards abolition: several Asian countries had abolished the death penalty for all crimes in recent years; and several had ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Other countries had officially announced their intention to move towards reducing the scope of capital punishment, including by commuting death sentences to life imprisonment. In other countries, the possibility of abolishing the death penalty was being discussed, and laws that permitted the death penalty were being reviewed. Many countries had not carried out executions for several years. Several courts in the region had

either introduced safeguards relating to the situation of individuals on death row, or held the mandatory death penalty to be unconstitutional. Criminal procedure laws had been amended to require interrogations of individuals to be recorded or videotaped, thereby providing safeguards against miscarriages of justice. In some countries, reviews of all death sentences by supreme courts had been mandated. Ms. Hossain also highlighted the fact that there were examples of reform initiatives across the region, from which other countries could learn.

19. Ms. Hossain further emphasized that, while under international law, the death penalty might only be imposed for the most serious crimes, in Asia it was still used in relation to acts linked to sexual relations that were consensual, across sexes and between the same sexes. She stated that, in some countries, conversion from, or renunciation of, religion was considered a capital crime. The fact that laws in some countries continued to allow for the mandatory use of the death penalty was of concern.

20. Other challenges also highlighted by Ms. Hossain included: lack of respect for fair-trial standards; limited access to lawyers; lack of effective representation; lack of qualified interpreters; absence of records of proceedings; unfair and inconsistent sentencing practices; the fact that mitigating circumstances were often not taken into account; lack of limited independence of the judiciary and the imposition of the death penalty through special courts. People living in poverty continued to be disproportionally subjected to the death penalty. Many countries across the region did not have meaningful legal aid frameworks, which was particularly problematic in death penalty cases. Ms. Hossain also expressed concerns regarding wrongful convictions, secrecy surrounding executions and the method of execution. However, she reiterated that positions and discussions were evolving within an increasing number of countries based on domestic and international human rights standards, including provisions included in constitutions.

IV. Summary of the discussion

21. During the interactive phase of the panel discussion, the following delegations spoke: Singapore (on behalf of a group of States), Timor-Leste (on behalf of the Community of Portuguese-speaking Countries), Argentina, Australia, Austria, Norway, Belgium, Albania, Turkey, Paraguay, Netherlands, Brazil, Russian Federation, Slovenia, South Africa, Republic of Moldova, Jamaica, Algeria, Mexico, Pakistan, United Kingdom of Great Britain and Northern Ireland, France, Portugal, Lichtenstein, Ireland, Indonesia and Sudan. The following intergovernmental, national human rights institutions and non-governmental organizations also contributed to the discussion: European Union, International Organization of la Francophonie, National Human Rights Commission of Malaysia, Conseil national des droits de l'Homme du Maroc, Verein Sudwind Entwicklungspolitik, Penal Reform International, Franciscans International, Amnesty International, Friends World Committee for Consultation, and Commonwealth Human Rights Initiative.[5]

[5] Statements by the following delegations were not delivered due to lack of time: Chile, China, Costa Rica, Council of Europe, Ecuador, Egypt, Fiji, Greece, Holy See, Italy, Morocco, Nepal, New Zealand, Nigeria, Poland, Rwanda, Spain, Switzerland, the United Nations Children's Fund and Ahlulbayt Foundation. All statements are available for consultation from the secretariat of the Human Rights Council.

A. Importance of regional and intergovernmental bodies for advancing the abolition of the death penalty

22. Several delegates emphasized the potential of regional instruments to act as catalysts for change on the ground. They could play a role in prohibiting the trade of drugs used for executions, as well as the supply of technical assistance relating to such drugs. Some delegates also emphasized that subregional mechanisms and intergovernmental bodies could be instrumental in advancing the abolition of the death penalty. The Community of Portuguese-speaking countries indicated that the abolition of the death penalty reinforced security and the continuous development and consolidation of human rights. In 2003, the Council of Ministers of the Community adopted a resolution on human rights and the abolition of the death penalty, which contained the commitment of its members to work towards the universal abolition of the death penalty and other cruel, inhuman or degrading treatment or punishment. That commitment had been renewed in 2013 through the adoption of a resolution on the promotion and protection of human rights in the Community. The commitment of the International Organization of la Francophonie to the abolition of the death penalty was expressed in its awareness-raising activities for different francophone networks of lawyers, judges, constitutional courts and national human rights institutions.

B. General remarks on the use of the death penalty

23. Many delegations stated their opposition to the death penalty and held that the death penalty constituted a violation of human rights, in particular the right to life. One delegation quoted Martin Luther King, Jr., who said that: "Darkness cannot drive out darkness."[6] Several States said that the right to life was enshrined in their national constitutions, prohibited the imposition and implementation of executions, and that the protection of that right was any State's duty. Other delegations pointed out that it was critical for States to interpret the right to life broadly.

24. Several States explained that they opposed the death penalty because it violated the dignity of the condemned, as well as the dignity of humanity as a whole. They asserted that the final and cruel nature of capital punishment was per se incompatible with the right to life. They emphasized that the abolition of the death penalty contributed to the progressive development and consolidation of human rights. Some delegates observed that rational arguments in favour of abolition included the lack of evidence that the death penalty deterred crimes; in practice it discriminated between those who could afford, and those who could not afford, a good defence in a judicial system; and it carried the risk of killing innocent people, which could not be tolerated in a civilized society. Several delegates also labelled the death penalty one of the worst forms of cruel, inhuman, and degrading punishment.

25. Some States stressed that there was no international consensus on the abolition of the death penalty. They observed that every State had the inalienable sovereign right to decide about its legal and criminal justice system, without interference by other States. Accordingly, the question of whether to retain or abolish the death penalty and the types of crimes for which the death penalty was applied should be determined by each country, taking into account the circumstances and threats unique to their societies. Those arguments were, however, rejected by other States, with some labelling the death penalty a failure of justice. Several experts and delegates stated that the process towards the abolition of the

[6] Martin Luther King Jr., *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (1986).

death penalty went hand-in-hand with respect of the sovereignty of States. In that regard, they called on States that continued to use the death penalty to acknowledge their own constitutional provisions on human rights, including the rights to life and human dignity, and asserted that such constitutional commitments must inform discussions on the death penalty. They also pointed out that, while the death penalty might be a sentence permissible under some domestic laws, the practice must be scrutinized in the light of national human rights commitments as well as obligations under international and regional human rights treaties.

26. Some participants stated that the death penalty was a matter of criminal justice, rather than human rights; and that it underpinned their criminal justice systems in order to guarantee peace, security, and human rights for their citizens. Rejecting that argument, several delegates and experts highlighted the fact that human rights were increasingly perceived as universal, and therefore belonged to all humanity. The criminal justice system of a country should be based on human rights, and it should respect the country's obligations under international human rights law. They found the arguments opposing criminal justice and human rights unconvincing, as ultimately the two complemented each other.

27. Several delegates acknowledged the significant progress achieved so far through the adoption of five resolutions on a moratorium on the use of the death penalty (General Assembly resolutions 62/149 of 2007, 63/168 of 2008, 65/206 of 2010, 67/176 of 2012, 69/186 of 2014) the latest of which was adopted in December 2014 by a record number of 117 votes in favour, with 95 co-sponsors. It called upon all States, inter alia, to establish a moratorium on executions with a view to abolishing the death penalty. Experts cautioned, however, against the risks attached to moratoriums. At times, the fact that a moratorium was in place encouraged judges to issue death sentences more easily, under the assumption that the condemned would not be executed anyway. It was, therefore, desirable to abolish the death penalty in all circumstances.

C. Rights of victims of crimes and the myth of deterrence

28. Some delegates mentioned the rights of victims of crimes to justify the retention of the death penalty. They found it unacceptable to call for the protection of the rights of offenders involved in heinous crimes, while ignoring the rights of victims of such crimes. In response, several delegates and experts called for States to ensure the voices of those victims in whose name the death penalty was being carried out were heard and made part of the process of moving towards abolition. In that regard, several initiatives that involved victims of crimes and their families in the abolition process were highlighted. Several delegates also emphasized that research from across regions showed that not all victims' families felt that killing the perpetrators brought closure to them. They did not often want the death penalty, but rather expected to see justice done effectively and efficiently. Statistics from one country from the Americas showed that, despite the mandatory death penalty for murder and some other crimes, only 5 per cent of convictions for murder were recorded in that country. Finally, the move towards abolition might create space for dialogue and improve respect for victims' rights.

29. Some delegates stated that the death penalty remained an important deterrent against most serious crimes. They stressed that the rights of offenders must always be weighed against the rights of the victims, their families and broader rights of their community to live in peace; and the State had a responsibility to protect the lives of innocent citizens while ensuring that justice was rendered to the victims and their families. Challenging that argument, several delegates and experts referred to an extensive body of research that disproved any suggestion that the death penalty had a deterrent effect on crime. They

pointed to the urgent need to tackle impunity to deter crimes. Impunity was one of the gravest concerns in many regions of the world. Victims wanted to see that justice was done, and attention should focus on judicial effectiveness. In other words, the duty of States was to exercise due diligence: to investigate properly and to ensure that perpetrators could be identified, arrested and prosecuted. They also recommended that authorities should address the root causes of crimes effectively. The irreversibility of an execution in itself was an argument for abolishing the death penalty.

D. Public opinion and the role of political leaders

30. Some delegates reported that the death penalty continued to be used in their countries because of public opinion, which remained in favour of the death penalty for serious crimes. In that regard, experts and several delegates emphasized that public opinion was neither definitive nor static. It was likely to change when people were better informed of the issues. Looking at public opinion on one day did not necessarily reflect the following day's majority views. In that regard, a study in a country in the Americas found that 89 per cent of people supported the death penalty, but when they were informed that innocent people were sometimes executed, that support fell sharply to 35 per cent.

31. The role of political leaders was also highlighted. They needed to be better informed, and must take the lead in changing public opinion. In that regard, experts provided some examples of how national leaders had influenced public discourse. Although public opinion in Greece was very much in favour of the death penalty when the former Greek dictators were sentenced to death in 1974, the Prime Minister decided to impose life imprisonment instead. That decision turned public opinion against the death penalty and eventually led to the abolition of the death penalty in Greece. In France, although public opinion was overwhelmingly in favour of the death penalty in 1981, its abolition decided by the then President of France led to a change of public opinion. Speakers emphasized that abolishing the death penalty needed leadership, vision and courage.

E. Implementation of human rights standards and safeguards

32. Several delegations emphasized that States that continued to apply the death penalty must ensure for the individuals concerned the full protection set out in international human rights instruments, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Economic and Social Council safeguards guaranteeing protection of the rights of those facing the death penalty.[7] In that regard, some delegates of retentionist States explained that rights and safeguards were respected in their countries when imposing the death penalty, including through fair trials; and it was only used for the "most serious crimes", as determined by each State taking into account their unique circumstances. Several delegations expressed concern, however, with regard to the imposition of the death penalty in violation of fair-trial standards and safeguards in a number of States across various regions. They deplored the fact that international safeguards, while universally recognized, were not necessarily implemented. In particular, they were concerned about: the use of the death penalty for crimes that did not meet the threshold of "most serious crimes" under international human rights law; mandatory death penalty provisions in some countries; arbitrary application of the death penalty in secrecy; the inhuman and degrading conditions of detention for death-row prisoners; the use of

[7] The safeguards were approved on 25 May 1984 by the Economic and Social Council in its resolution 1984/50.

unregulated substances in the formulas of lethal injections; public executions; the increase in the number of executions in certain countries; the expansion of the range of categories of crime punishable by the death penalty in some countries; the use of the death penalty against children, persons with disabilities and other groups at particular risk; the resumption of executions after decades of de-facto moratoriums in some States; and the failure to prevent miscarriages of justice. Some delegations also highlighted the need to discuss social and economic implications of capital punishment.

33. Some delegates were concerned that persons accused of capital crimes did not often benefit from the assistance of qualified interpreters. In addition, many had no access to a lawyer and effective representation and no meaningful legal aid frameworks were in place. In many countries, the judiciary was not independent, followed unfair and inconsistent sentencing practices and failed to consider mitigating factors. The fact that special courts were sometimes allowed to impose the death penalty, the lack of records of proceedings, and the lack of proper notice regarding the time and date of executions were also worrisome.

34. Several delegates were concerned that some retentionist States had expanded the categories of crimes for which the death penalty might, or in some cases must apply, and that some of those crimes did not meet the threshold of "most serious crimes" under international human rights law. They also pointed out that in some States, the majority of death sentences handed down and executions carried out were for drug-related offences in violation of international human rights law as such crimes did not meet the threshold of "most serious crimes". In that context, it was remarked that the forthcoming special session of the General Assembly on the world drug problem, to be held in 2016, would offer opportunities to discuss international cooperation on alternative approaches to combating the illegal trafficking of narcotic drugs.

35. Furthermore, several delegates observed that capital punishment did not serve any deterrent purpose in combating terrorism, and deplored that some States expanded the use of the death penalty for crimes relating to terrorism. Expressing deep concern about atrocities committed by the Islamic State in Iraq and the Levant or by other terrorist groups in different parts of the world, they emphasized that all efforts must be made to counter terrorism and hold perpetrators accountable, but any measures to counter those threats needed to be consistent with the common values of justice and human rights. Legislation that included a vague definition of terrorism contravened human rights. They also said the death penalty clearly did not deter persons from committing terrorist acts as being executed transformed them into martyrs.

36. Several delegates were concerned about the lack of respect for the rights of persons facing the death penalty outside their country. In that regard, the panel was informed that Argentina had submitted a habeas petition in the State of Texas in the United States regarding flagrant violations of the rights of an Argentinian on death row since 1996.

37. Several delegations pointed out that a small number of countries continued to apply the death penalty at an alarming rate. For instance, it was remarked that at least 753 individuals were reportedly executed in 2014 in the Islamic Republic of Iran (A/HRC/28/70, para. 13). Delegates also expressed concerns that countries from various regions, such as Afghanistan, the Gambia, India, Indonesia, Japan, Jordan, Pakistan and Papua New Guinea, had recently ended long-standing moratoriums or resumed executions. Several speakers said that those developments showed the need to pursue and reinforce the determination to end the death penalty.

38. With reference to views of scholars from the Muslim world, it was stated, that, based on the Islamic principles of pardon, redemption, mercy and forgiveness, the death penalty was incompatible with Islam. The death penalty failed to meet key criteria or objectives of

punishment under Islamic principles, in particular the possible deterrent effect of the punishment, the fact that it might bring about peace within society, and its corrective nature.

F. Impact of the death penalty on other individuals

39. Some delegates discussed the issue of the wider impact of the death penalty on other individuals, and mentioned in particular, that the human rights of children of parents sentenced to death or executed should be considered. It was also reported that that issue had been paid increasing attention by the Human Rights Council. In particular, in its resolution 22/11, the Council had acknowledged the importance of the protection of human rights of children of parents sentenced to death or executed. It had also organized a panel on that issue (see A/HRC/25/33). In that regard, the African Commission on Human and Peoples' Rights had stressed the negative psychological impact that the death penalty had on children and other family members of those sentenced to death. States should render more accessible and transparent the process of clemency pleas for the families and victims of the death penalty.

40. It was also emphasized that, according to some research, the use of the death penalty had major negative effects on other individuals, including on lawyers who defended the condemned person, prison officials in charge of death-row prisoners, and families of victims of crimes. For instance, prison officials in death-row quarters suffered long-term trauma, lawyers of executed persons suffered from depression and children of parents sentenced to death also suffered trauma.

41. With regard to executions of mothers of young children, experts referred to article 30 of the African Charter on the Rights and Welfare of the Child that prohibited death sentences for mothers of infants and young children.[8] General comment 1 to the Charter clarified that States parties should not evade their commitment not to sentence pregnant women to death simply by waiting until after they had given birth.[9]

G. Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights

42. Several delegations stressed the importance of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and called for its ratification. As at March 2015, the Protocol had been ratified by 81 States. It was emphasized that increased ratification of or accession to the Protocol was needed to advance the universal abolition of the death penalty. It was pointed out that the Russian Federation was considering acceding to the Protocol.

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[8] African Charter on the Rights and Welfare of the Child (OAU Doc. CAB/LEG/24.9/49 (1990), entered into force on 29 November 1999), art. 30 (e).

[9] African Committee of Experts on the Rights and Welfare of the Child, *General Comment on Article 30 of the African Charter on on the Rights and Welfare of the Child*), para. 56, available from www.refworld.org/pdfid/545b49844.pdf.

H. Role of domestic courts, national human rights institutions and other stakeholders

43. Several delegates recommended analysis of cases in which domestic courts had sought to interpret constitutional human rights provisions consistent with regional and international human rights standards, thereby creating rich sources of jurisprudence on capital punishment. Such an analysis could contribute to advance discussion on the abolition of the death penalty and harmonization of death penalty regimes across borders. A 1995 judgement of the Constitutional Court of South Africa was highlighted, in which the Court had declared the death penalty unconstitutional and had stated that: "The rights to life and dignity are the most important of all human rights, and the source of all other personal rights ... By committing ourselves to a society founded on the recognition of human rights we are required to value these two rights above all others."[10] That implied that, by retaining a punishment that did not testify to high regard for human dignity and the value of human life, the State had contributed to the degeneration of the moral fibre of the society. The State as a role model for society had to take the lead not only in preaching respect for the law but in demonstrating regard for human life and dignity.

44. Several delegates emphasized that various stakeholders, including national human rights institutions, civil society, political organizations, parliamentarians, religious bodies, academic institutions and networks, and trade unions, had a role to play in advancing the abolition of the death penalty. It was emphasized that OHCHR should advance the cause of abolition by disseminating factual information, increasing awareness and understanding of the implications of the death penalty, and through technical assistance. The role of the International Commission against the Death Penalty and the World Congress against the Death Penalty in advancing global abolition was also highlighted.[11]

V. Conclusions

45. **In its concluding remarks, the panel emphasized that it was the international community's responsibility to move towards universal abolition of the death penalty. States had to protect human dignity as part of the overall protection of human rights for all. By abolishing the death penalty, States placed human dignity at the centre. It was also stated that abolition required political and technical support as well.**

46. **The panel reiterated that regional mechanisms must play their role effectively. As they were closer to the ground and had a better understanding of the regional context, they were well placed to encourage States that maintained the death penalty to respect human rights. The example of Europe illustrated that regional and multilateral organizations were key to advancing abolition. A key lesson learned in Europe was that abolition could become a reality only as a result of increasing awareness and exchange of ideas between countries and societies. Experience gathered in Africa, the Americas, Asia and the Middle East showed that it was possible to move gradually towards abolition through dialogue and advocacy and that the death penalty was not about any particular culture or any religion.**

47. **The panel also encouraged further research, particularly into the socioeconomic profile of those who were subjected to the death penalty, assessing to**

[10] South Africa: Constitutional Court, *State* v. *Makwanyane and Another*, 1995 (6) BCLR 665.

[11] The sixth World Congress against the Death Penalty will be hosted by Norway in 2016.

what extent poverty and the absence of legal representation and of access to justice played a role.

48. Impunity bred popular support for the death penalty. In that regard, what was needed was a rational and calm discourse that took into account different perspectives, including the views of victims of crime. Panellists also highlighted the fact that combating impunity could be successful only where national laws were effective and applied in practice.

49. The panel further observed that lack of information on the use of the death penalty did not permit victims and other stakeholders to monitor and quantify practices in some countries. States should provide full information with regard to convictions and actual executions. The convicted person, the lawyers, family members and others concerned were also entitled to be informed about the execution.

50. Panellists emphasized that States that had abolished the death penalty, and had established a moratorium, should continue to exchange information with States that continued to use it. While welcoming the fact that several abolitionist States had offered to share their experiences, the panel called on those States that maintained the death penalty to reflect on such lessons. In that context, the panel underlined the role played by the Human Rights Council and other United Nations bodies, including human rights treaty bodies and special procedures to advance discussions on the universal abolition of the death penalty.

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development

Summary

The present report contains a brief overview of the activities of the Office of the United Nations High Commissioner for Human Rights and United Nations human rights mechanisms relating to the promotion and protection of the realization of the right to development. It covers the period from May 2014 to April 2015 and complements the report of the Secretary-General and the High Commissioner on the right to development submitted to the Human Rights Council at its twenty-seventh session (A/HRC/27/27).

The activities included support for relevant Council mechanisms, as well as events and initiatives in the areas of inter-agency coordination and mainstreaming of the right to development into the policies and programmes of international organizations and into the post-2015 development agenda.

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I. Introduction

1. In its resolution 48/141 establishing the post of United Nations High Commissioner for Human Rights, the General Assembly directed the High Commissioner to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose. It also directed the High Commissioner to recognize the importance of promoting a balanced and sustainable development for all people and of ensuring the realization of the right to development, as established in the United Nations Declaration on the Right to Development.

2. The Human Rights Council, in its resolution 27/2, requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to continue to submit to the Human Rights Council an annual report on its activities, including on inter-agency coordination within the United Nations system with regard to the promotion and realization of the right to development.

3. In its resolution 69/181, the General Assembly reaffirmed the request to the High Commissioner for Human Rights, in mainstreaming the right to development, to effectively undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions, and to reflect those activities in detail in his next report to the Human Rights Council.

4. In the same resolution, the General Assembly requested the Secretary-General to submit a report to the General Assembly at its seventieth session and an interim report to the Human Rights Council on the implementation of that resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development.

5. The present report is submitted in accordance with the above requests and provides information on the activities undertaken by OHCHR and the United Nations human rights mechanisms between May 2014 and April 2015.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

6. The operational framework for promoting and protecting the realization of the right to development is contained in the Secretary-General's strategic framework for the period 2014–2015 and the OHCHR Management Plan for the period 2014–2017.[1]

7. During the period under review, OHCHR has conducted numerous activities, a full account of which is available on the OHCHR website, including the web page dedicated to the right to development.[2]

[1] For details, see the report of the Secretary-General and the High Commissioner on the right to development (A/HRC/27/27, paras. 6–13).

[2] See www.ohchr.org/EN/Issues/Development/Pages/DevelopmentIndex.aspx.

A. Support to the Working Group on the Right to Development

8. OHCHR provided support to the Working Group on the Right to Development during its fifteenth annual session, held from 12 to 16 May 2014. OHCHR also provided support to the informal intersessional meetings of the Working Group, held on 16 February and 24 April 2015, in preparation for its sixteenth annual session. Furthermore, OHCHR supported the Chair-Rapporteur in holding informal consultations and presenting the report of the Working Group to the Human Rights Council and the General Assembly. In October 2014, OHCHR issued a press release on the report.[3]

9. During its thirteenth, fourteenth and fifteenth sessions, the Working Group reviewed and made numerous proposals to amend the draft right to development criteria and corresponding operational sub-criteria. These were initially proposed by the high-level task force on the implementation of the right to development. The Working Group is mandated to continue, at its sixteenth session, to accomplish its tasks including, in particular, to consider, revise and refine the draft right to development criteria and corresponding operational sub-criteria.

10. Over the past five years, the Working Group has received several contributions on the proposed draft right to development criteria and corresponding operational sub-criteria. In total, it has received 4 submissions from groups of States (2 from the Non-Aligned Movement and 2 from the European Union), 34 from Member States, 12 from organizations of the United Nations system, 4 from national human rights institutions (2 from the National Human Rights Commission of India, 1 from the Independent Human Rights Commission of Afghanistan and 1 from the Advisory Council on Human Rights of Morocco), 1 from a United Nations treaty body (the Committee on Economic, Social and Cultural Rights), 4 joint submissions from non-governmental organizations (3 from a working group of Catholic-inspired non-governmental organizations on the right to development and international solidarity and 1 from an indigenous peoples' organization) and 12 individual submissions from civil society organizations and academics. All the submissions have been posted in their original versions on the OHCHR web page dedicated to the Working Group.

11. In addition, the Working Group has engaged in an effort to revitalize its work. With the support of OHCHR, and at the request of the Working Group, the former Chair-Rapporteur submitted to the sixteenth session of the Working Group a draft framework to improve its effectiveness and efficiency with a view to accomplishing its mandate (A/HRC/WG.2/16/2).

12. In the first part of her report, the Chair-Rapporteur briefly reviewed the past work of the Working Group, drawing on its agreed conclusions and recommendations, assessing the extent to which the Working Group had addressed all aspects of its mandate and the factors and conditions that had influenced its effectiveness and efficiency.

13. The Chair-Rapporteur identified the three processes that had characterized the work of the Working Group: first, interaction with the Independent Expert on the right to development; second, interaction with the high-level task force on the implementation of the right to development; and third, the intergovernmental process that had been taking place since 2011, focusing on the revision and refinement of the criteria and corresponding operational sub-criteria for the implementation of the right to development.

14. In the second part of her report, the Chair-Rapporteur drew on lessons learned and formulated a draft framework. She observed an imbalance in the manner in which the tasks

[3] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15204&LangID=E.

entrusted to the Working Group by the Commission on Human Rights in its resolution 1998/72 had been implemented, with some aspects trailing behind others. She highlighted three main factors that needed to be addressed to improve the effectiveness and efficiency of the Working Group: political will and commitment; an effective agenda; and the availability of means that are commensurate with the tasks entrusted to the Working Group, including mechanisms, modalities, time, and human and material resources. She made several recommendations, primarily procedural, to address those factors with a view to accomplishing all aspects of the Working Group's mandate.

B. Events and activities

15. OHCHR organized jointly with the Friedrich Ebert Stiftung Geneva Office a workshop on 17 and 18 September 2014 for 24 experts, practitioners and academics in the fields of human rights impact assessments, trade and investment. The workshop focused on the issues involved in human rights impact assessments in trade and investment regimes, and the role that various stakeholders, including non-governmental organizations and OHCHR, can play in improving the effectiveness of future assessments in trade and investment. There is increasing recognition of the potential benefits that human rights impact assessments of trade and investment regimes can bring. In principle, these assessments can be effective in identifying, quantifying and assessing the ways trade and investment affect the full spectrum of human rights. Their practice, however, is beset by challenges relating to the form they take, how and when they are conducted, the person or body undertaking the assessment, and the use that is made of the results. The workshop found that trade and investment processes, while not fully transparent, are subject to more scrutiny than ever before. In most cases, a small window is open for the use of human rights impact assessments. In addition, the political landscape is changing, with more sensitivity towards human rights and development issues, and more discussion on the human rights implications of investor-State dispute settlement. If human rights impact assessments are to be effective in addressing the human rights impacts of trade and investment agreements, further guidance, capacity-building and support for their practice is essential. Through developing the practice of such assessments, respective roles will be balanced, creating a more democratic and transparent process for the design, negotiation and implementation of trade and investment agreements. Trade and investment should be about making the right development impact on the ground and human rights impact assessments are an important, if still modest, pathway to making that happen.[4]

16. In the wake of the workshop, OHCHR is now collaborating with the Economic Commission for Africa and Friedrich Ebert Stiftung on a potential human rights impact assessment of the Continental Free Trade Area agreement in Africa. OHCHR prepared an issues paper for that purpose, which was considered at a multi-stakeholder expert workshop held on 16 and 17 April 2015 in Addis Ababa. If a human rights impact assessment were undertaken, negotiating countries would be provided with an evidence base and policy recommendations from which they could develop an effective and coherent approach to the negotiations, with a view to realizing outcomes that are aligned with human rights as well as national development commitments and priorities.

17. With regard to investment and the right to development, OHCHR, in collaboration with the United Nations Conference on Trade and Development (UNCTAD), organized a panel discussion on human rights and investment policymaking at the World Investment

[4] The report of the workshop is available at www.ohchr.org/Documents/Issues/Globalization/Report_HRIA_Workshop.pdf.

Forum on 15 October 2014 in Geneva. OHCHR also intervened at the plenary of the International Investment Agreements Conference, the UNCTAD World Investment Forum, on 16 October. This was later followed up with a statement at the UNCTAD Expert Meeting on the Transformation of the International Investment Agreement Regime, held on 25 February 2015 in Geneva.[5]

18. On 2 December 2014, in commemoration of the anniversary of the Declaration on the Right to Development, OHCHR organized a panel discussion on the theme of "Sustainable Development with Dignity and Justice for All – Realizing the Right to Development for Present and Future Generations".[6] The event was attended by representatives of Member States, international organizations and civil society and other stakeholders, with notable and active participation by young people and students. Participants shared stories, good practices, case studies and practical suggestions illustrating how the right to development can help realize sustainable development. Themes included: the obstacles posed by the international economic architecture on realizing the right to sustainable development; the right to development and the SIDS Accelerated Modalities of Action (SAMOA) Pathway; Ebola virus and the right to development: realizing State responsibility; implementing the right to development for justice and peace; the path to sustainable development: lessons from the Bhopal disaster; the implications of hazardous substances on the rights of future generations; advancing the right to development: a child rights-based perspective; and young people's participation at the United Nations to shape the world they want to see. The discussions reaffirmed the critical importance of fulfilling the right to development so as to meet equitably the developmental and environmental needs of present and future generations. They reflected broad agreement that the right to development presents a vision for transformative development as it mandates an enabling environment, at both the national and international levels, for development that addresses root causes, systemic issues and structural challenges.

19. During the 2015 Social Forum of the Human Rights Council, which took place from 18 to 20 February, participants considered the issue of access to medicines in the context of the right to health. OHCHR organized the three-day meeting, which brought together participants representing States, international organizations, civil society organizations, pharmaceutical companies, academia, medical professionals, patients and other stakeholders. They engaged in discussions that included the intersection of intellectual property and human rights law, health-care financing, strengthening health systems, improving health delivery systems in challenging contexts, access to medicines for women and children, lessons learned and emerging challenges in the global response to AIDS, patient-centred approaches to access to medicines, and innovative approaches to promoting access to medicines. Several side events, including documentary film screenings, complemented the main programme.[7]

20. Together with the Mary Robinson Foundation – Climate Justice, OHCHR hosted the Climate Justice Dialogue on 7 February 2015. The Dialogue brought together over 50 representatives of the climate change and human rights constituencies to discuss links between human rights and climate change in advance of the February meeting of the Ad Hoc Working Group on the Durban Platform for Enhanced Action in Geneva. Those meetings resulted in the launch of the Geneva Pledge for Human Rights in Climate Action.

[5] More information on the work of OHCHR on human rights, trade and investment can be found at www.ohchr.org/EN/Issues/Globalization/Pages/GlobalizationIndex.aspx.

[6] More information on the panel discussion can be found at www.ohchr.org/EN/Issues/Development/Pages/DignityAndJustice.aspx.

[7] More details available at www.ohchr.org/EN/Issues/Poverty/SForum/Pages/SForum2015.aspx.

which calls for meaningful collaboration between national representatives in human rights and climate change processes to inform climate action.

21. OHCHR organized a full-day discussion on human rights and climate change on 6 March 2015, during the twenty-eighth session of the Human Rights Council. Panellists included the President of Kiribati, the Prime Minister of Tuvalu, the Foreign Ministers of Bangladesh and the Philippines and the President of the Mary Robinson Foundation – Climate Justice, among other distinguished speakers. The discussions revealed a broad consensus that climate change has profound impacts on human rights, and is one of the greatest moral challenges facing humanity. Both panellists and participants called for urgent, collective and concrete action. Many panellists agreed that such action must be driven by a new vision for sustainable development, taking due account of climate vulnerabilities and injustices. Discussants emphasized the need for a rights-based approach, including application of the right to development, to ensure climate change prevention, adaptation and mitigation and international cooperation to support national efforts for transition to low-carbon, climate-resilient development that leaves no one behind. It was emphasized that people in small island developing States face existential threats to survival, and international solidarity is critical, including for migration with dignity. Participants called for concerted measures to integrate human rights in climate change negotiations and for sharing of knowledge and best practices across the human rights and climate change communities.

22. OHCHR supported the eighth annual human rights film festival which took place from 7 to 11 October 2014 in Kyrgyzstan. The theme of the festival was the right to development. The festival inspired debate and raised civic awareness in Kyrgyzstan. Over the course of the week, citizens had the opportunity to see how communities from other parts of the world have dealt with and solved many of the problems that the country faces today on its path to development. The discussions and round-table events hosted along with the films provided a public space for citizens to collaborate on how these problems must be confronted within the local political and civic environment. In partnership with the non-governmental organization Bir Duino, OHCHR contributed to the event by providing financial assistance for website design and interpretation at panel discussions, delivering several opening and closing statements at different stages throughout the festival and providing print and video materials for use during panel discussions.

23. In Madagascar, OHCHR has promoted the integration of human rights into laws regulating the exploitation of natural resources and is assisting with efforts aimed at developing a human rights-compliant social corporate responsibility policy, as well as facilitating dialogue between mining and petroleum companies, communities and the State.

24. In 2015, OHCHR developed and posted on its website a chronology of major developments before and after the adoption of the United Nations Declaration on the Right to Development.[8] This initiative contributed to advancing knowledge and understanding of the right to development in the broader context.

C. Inter-agency cooperation and mainstreaming the right to development

25. Mainstreaming human rights, including the right to development, into United Nations policies, operational activities, guidelines and tools on development programming is an integral part of the High Commissioner's mandate and a major pillar of the

[8] Available at www.ohchr.org/EN/Issues/Development/Pages/Landmarksintherecognitiondevelopmentasahumanright.aspx

programme of work of the Office. OHCHR continued to play a leading and instrumental role in coordinating and supporting United Nations inter-agency initiatives on mainstreaming all human rights, including the right to development, in United Nations policies and operational programmes. Specifically, the Deputy High Commissioner led and co-chaired the United Nations Development Group human rights mainstreaming mechanism. The mechanism was established in 2009 at the request of the Secretary-General to institutionalize the mainstreaming of human rights in United Nations development work, including through policy and operational coherence, leadership, capacity-building at the national level, and strengthening advocacy and knowledge platforms. It served as an important senior-level policy forum at which to discuss critical policy issues on human rights and provided strong operational support to the work of resident coordinators and United Nations country teams, supported by the Multi-Partner Trust Fund Office of the United Nations Development Programme.

26. OHCHR has been working to integrate all human rights, including the right to development, into the post-2015 development agenda as well as into the two other main international development processes of 2015, namely the Third International Conference on Financing for Development, to be held in Addis Ababa in July, and the United Nations Climate Change Conference, to be held in Paris in December.

27. In September, United Nations leaders will gather in New York for a summit to adopt the post-2015 development agenda. Encouragingly, the sustainable development goals proposed by the Open Working Group of the General Assembly on Sustainable Development Goals reflect the substantive content of several human rights obligations, including the right to development. The draft text of the solemn declaration, which is to precede these goals and targets, makes it amply clear that the post-2015 development agenda is to be guided by the purposes and principles of the Charter of the United Nations, and grounded in international human rights standards, including the right to development.

28. In March 2015, the United Nations Statistical Commission presented preliminary global indicators for the sustainable development goals and targets. From a human rights perspective, these indicators should be transformative and capture the priorities of a people-centred development agenda. They should measure who is left behind. Data disaggregation will therefore be a fundamental tool to reveal inequalities and deprivation across all sustainable development goals and targets. Indicators that measure the extent to which an enabling national and international legal and policy environment is present to promote and protect all human rights, including the right to development, should be indispensable components of the post-2015 framework.

29. Adopting a financing framework that lives up to the ambition of the post-2015 development agenda is of paramount importance. The underlying thread should be article 2 of the International Covenant on Economic, Social and Cultural Rights, which enshrines the commitment to mobilize maximum available resources, including through international cooperation, for the progressive realization of economic, social and cultural rights. However, the issue is not just effective resource mobilization; it is also about resource allocation and distribution in the spirit of solidarity between countries and towards the poorest and most vulnerable in all societies. This duty is echoed in the Declaration on the Right to Development, in particular in articles 4 (2) and 2 (3), according to which effective international cooperation is essen ial for the realization of the right to development in providing developing countries with appropriate means and facilities to foster their comprehensive development, as is the fair distribution of the benefits resulting from development nationally.

30. In this regard, OHCHR has emphasized several important human rights considerations: access to financial services and resources should be provided without discrimination; foreign direct investment should not undermine human rights; business

enterprises should rigorously apply due diligence and assess the human rights impact of their planned investments and be held accountable therefore; arrangements for transparent, orderly and participatory sovereign debt restructuring have to be strengthened; guidelines that ensure sustainable, transparent lending and borrowing that benefits and is accountable to people should be developed; and reporting on financing for development should be based on specific time-bound targets. The monitoring of the post-2015 financing framework needs to go beyond the tracking of financial flows, and also assess the development results, in human rights terms.

31. In its advocacy on climate change, OHCHR has emphasized that this issue, more than any other, reveals the interdependence between States. No country working alone can protect its citizens from the impacts of climate change, and if energetic and timely steps are not taken, even collective measures will come too late. The international community must work together to address the challenges that climate change poses for the realization of all human rights, especially the right to development.

32. The new climate agreement should build upon commitments already made at the United Nations Climate Change Conference in Cancun to ensure that parties should, in all climate change-related actions, fully respect, protect, promote and fulfil human rights. OHCHR has appealed for clear references in the climate agreement to the human rights principles of equality, non-discrimination, accountability, participation, empowerment, transparency, sustainability and international cooperation, and for the inclusion of strong language on human rights at the twenty-first Conference of the Parties to the United Nations Framework Convention on Climate Change.

III. Activities of the United Nations human rights mechanisms

33. At its twenty-seventh session, the Human Rights Council adopted resolution 27/30 on the activities of vulture funds, in which it requested the Advisory Committee to prepare a research-based report on the activities of vulture funds and the impact on human rights. The Committee is to present a progress report for the consideration of the Council at its thirty-first session, to be held in March 2016.

34. At its fifty-fourth session, held from 23 February to 6 March 2015, the Committee on Economic, Social and Cultural Rights adopted its statement on social protection floors: an essential element of the right to social security and of the sustainable development goals (E/C.12/2015/1). The Committee recalled that social security was a human right and an economic and social necessity for development and progress. The Committee reiterated that adequate resources must be allocated at the national level and through international assistance and cooperation to comply with the obligation to progressively realize the rights enshrined in the International Covenant on Economic, Social and Cultural Rights. It also encouraged States to include social protection floors in the sustainable development goals.

35. In her 2014 report to the General Assembly, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (A/69/274), outlined priority areas of work. She referred to issues that were global or transnational in scope, and that had a direct impact on the right to adequate housing in many countries. Global bodies such as transnational corporations, multilateral or bilateral financial institutions and United Nations agencies played significant roles in relation to the right to adequate housing. The actions of transnational extractive industries or development projects, sometimes initiated and overseen by multiple partners, including international financial institutions, might have far-reaching effects on the right to adequate housing, including large-scale displacements, the destruction of sources of livelihood and forced evictions. Similarly, trade and investment agreements and investor

dispute mechanisms increasingly involved important issues of public policy and often failed to ensure the consideration of fundamental rights such as the right to adequate housing. Those problems had led to important work to assess and clarify issues of corporate accountability, extraterritorial obligations, and human rights in relation to trade and investment agreements. The Special Rapporteur expected to be actively engaged with respect to those emerging issues as they related to the right to adequate housing.

36. In his 2014 report to the General Assembly, the Chair of the Working Group of Experts on People of African Descent (A/69/318) welcomed the proclamation by the General Assembly, by its resolution 68/237, of the International Decade for People of African Descent starting on 1 January 2015 and ending on 31 December 2024, with the theme "People of African descent: recognition, justice and development". The Working Group observed that development was considered in two ways: first, in terms of the role that people of African descent had played historically and contemporarily in global development; and second, in terms of the need for a human rights-based approach to all development activities (para. 36). Owing to the special and unique nature of discrimination often faced by people of African descent, in particular in relation to the legacies of colonialism, enslavement and the transatlantic slave trade, the Working Group deemed it appropriate to make a careful distinction between their situation and that of other groups who also faced racial and other forms of discrimination (para. 38). At the sixteenth session of the Working Group, one of its members delivered a statement on reparation and the right to development.[9]

37. The 2014 report to the Human Rights Council of the Special Rapporteur in the field of cultural rights, on copyright policy and the right to science and culture (A/HRC/28/57), included a number of recommendations relevant for the right to development. The Special Rapporteur recommended that international copyright instruments should be subject to human rights impact assessments and contain safeguards for freedom of expression, the right to science and culture, and other human rights (para. 94). Such instruments should never impede the ability of States to adopt exceptions and limitations that reconciled copyright protection with the right to science and culture or other human rights, based on domestic circumstances. Member States of the World Intellectual Property Organization should support the adoption of international instruments on copyright exceptions and limitations for libraries and education. The possibility of establishing a core list of minimum required exceptions and limitations incorporating those currently recognized by most States, and/or an international fair use provision, should also be explored. The World Trade Organization should preserve the exemption of least developed countries from complying with provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights until they reached a stage of development at which they no longer qualified as least developed countries.

38. In her responses to questions during the interactive dialogue at the twenty-seventh session of the Human Rights Council, the Special Rapporteur on the human right to safe drinking water and sanitation addressed the right to development. She pointed out that development and the realization of human rights needed to go hand in hand. Efforts targeted at development must benefit the people, and development and the progressive realization of human rights must be undertaken simultaneously. It could not be assumed that development must be promoted first, while ignoring human rights, and that, when development had been achieved, human rights would miraculously be realized. Experience had shown that certain parts of the population would continue to be discriminated against and left behind unless deliberate measures were adopted targeting them. There was a need

[9] Available at www.ohchr.org/Documents/Issues/Racism/WGEAPD/Session16/VereneShepherd.pdf.

to redefine development with a focus on eliminating inequalities in general, and in access to water and sanitation more specifically. Only when no one was left behind could one truly speak of development. In that regard, access to justice was essential and must not be an afterthought. Where people's human rights were violated, whether through projects pursued under the umbrella of development, through persisting inequalities or other actions or omissions, people must be able to seek remedies.[10]

39. The report to the twenty-seventh session of the Human Rights Council of the Independent Expert on the promotion of a democratic and equitable international order addressed the issue of disarmament for development (A/HRC/27/51). Among other things, the Independent Expert concluded that disarmament and demilitarization were keys to development and human security. He recommended that States should regularly report to the Human Rights Council on their military expenditures and contrast them with expenditures for education, health care and the administration of justice. States should ensure that such expenditures were discussed within the framework of the universal periodic review mechanism of the Human Rights Council and Governments should be persuaded to devote a greater percentage of their budgets to the promotion of civil, cultural, economic, political and social rights, and to make concrete proposals to convert from a military-first to a human security paradigm. He also recommended that States should significantly reduce military spending and develop conversion strategies to reorient resources towards social services, the creation of employment in peaceful industries, and greater support to the post-2015 development agenda. States should individually and multilaterally allocate savings made from reduced military spending to the economic and social transition required to respond to the global climate change challenge, as envisaged by the United Nations in establishing the Green Climate Fund, pursuant to the United Nations Framework Convention on Climate Change. Furthermore, a portion of the financial resources released should be devoted to research and development of sustainable energy, including solar energy, and should be used to address the looming problem of water scarcity, which had the potential to fuel future wars. An international effort to develop efficient desalination industries should be envisaged.

40. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, in his interim study on illicit financial flows, human rights and the post-2015 development agenda (A/HRC/28/60) observed that it has been estimated that the majority of all illicit financial flows were related to cross-border tax-related transactions. In developing countries, trade and transfer mispricing was the main vehicle for tax evasion or abuse, and the financial crisis had focused attention in high-income countries on tax evasion and avoidance schemes of transnational corporations. He recommended that States include a goal to reduce illicit financial flows in the final set of sustainable development goals, together with measurable targets and indicators to ensure accountability for implementation. He also recommended establishing an intergovernmental committee on tax cooperation, under the auspices of the United Nations.

41. The 2015 report to the Human Rights Council of the Working Group on the issue of human rights and transnational corporations and other business enterprises (A/HRC/29/28) focused on how the Guiding Principles on Business and Human Rights needed to be further embedded throughout United Nations programmes and processes in order to improve policy coherence for inclusive and sustainable development. The Working Group noted that a major challenge was achieving policy coherence between States' conduct in multilateral institutions that dealt with business- and development-related issues and their international

[10] Available at www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/AnnualReports.aspx.

human rights obligations. That was especially relevant in the context of State-driven processes at the United Nations, including the negotiations on the post-2015 development agenda.

42. In her report to the twenty-seventh session of the Human Rights Council, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/27/53), outlined the priorities on which she intended to focus during her tenure. Among them, she identified the structural and systemic causes of poverty and inequality, which rendered the poor and marginalized most vulnerable to slavery and labour exploitation.

IV. Conclusions and recommendations

43. **United Nations human rights mechanisms are paying increasing attention to issues at the core of the right to development.**

44. **During the reporting period, relevant work undertaken by OHCHR and the United Nations human rights mechanisms, including special rapporteurs and treaty bodies, centred principally on the post-2015 development agenda, the 2015 United Nations Climate Change Conference, to be held in Paris, the Third International Conference on Financing for Development Conference, to be held in Addis Ababa, and the functioning of international financial institutions.**

45. **Consideration should be given to identifying possible synergies between the processes established to monitor progress and accountability in the implementation of the sustainable development goals and targets and in the progressive realization of the right to development. In that regard, it would be important for the Working Group on the Right to Development to consider coherence and consistency between the sustainable development goals and targets and the Declaration on the Right to Development.**

46. **The continued political impasse within the Working Group on the Right to Development represents an obstacle to the work of the United Nations in making progress on the right to development.**

47. **In 2016, the international community will mark the thirtieth anniversary of the United Nations Declaration on the Right to Development, at the same time as it embarks on the implementation of the new sustainable development goals. This is an opportunity to evaluate the progress made to date in the realization of the right to development, to identify obstacles and consider avenues for enhancing the effectiveness and efficiency of processes and efforts aimed at ensuring the effective enjoyment of the right to development by all people, everywhere.**

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Human Rights Council panel discussion on the equal enjoyment of the right to education by every girl

Report of the Office of the United Nations High Commissioner for Human Rights

GE.15-12177(E)

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I. Introduction

1. In its resolution 27/6, the Human Rights Council decided to convene, at its twenty-ninth session, a panel discussion on realizing the equal enjoyment of the right to education by every girl with a view to sharing lessons learned and best practices in that regard. Also in resolution 27/6, the Council requested the United Nations High Commissioner for Human Rights to organize the panel and to liaise with States, relevant United Nations agencies, funds and programmes, relevant special procedures, civil society, including relevant children's and youth organizations, national human rights institutions and other relevant stakeholders with a view to ensuring their participation in and contribution to the panel discussion. Pursuant to that request, the panel discussion was held on 16 June 2015.

2. In its resolution 27/6, the Human Rights Council also requested the High Commissioner to prepare a summary report on the panel discussion and to present it to the Human Rights Council at its thirtieth session. The present report was prepared pursuant to that request.

3. The High Commissioner opened the panel discussion, which was moderated by the Associate Director of Programme Partnerships (Division of Programmes) at the United Nations Children's Fund (UNICEF). The panellists were Minister of State of the United Arab Emirates Reem Al Hashimy; the Vice-Chairperson of the Committee on the Elimination of Discrimination against Women and Chairperson of its working group on girls' and women's right to education, Barbara Bailey; the Special Rapporteur on the right to education, Kishore Singh; UNICEF Ethiopia Goodwill Ambassador Hannah Godefa; and the Regional Director for the West African Region of Plan International, Adama Coulibaly.

II. Summary of the discussion

A. Statement by the United Nations High Commissioner for Human Rights

4. In his opening remarks, the High Commissioner stated that the empowerment of women had been one of the most significant achievements of the past century, and access to education one of the key elements in overturning the outdated view of women as confined to the domestic sphere. He stressed that education was a multiplier right that empowers women to make choices and to claim their human rights, including the right to participate fully in the taking of decisions that shape society. He welcomed the considerable progress that had been made in girls' education in recent years.

5. Nonetheless, almost one third of all countries had not achieved parity in primary education, and in less than half, there were as many girls as boys in lower-secondary grades. Despite the progress made, discrimination against girls persisted, including in the form of child marriage, early pregnancy and sexual violence, and harassment inside and outside schools. Together with social and cultural stereotypes that enforce obedience and fixed gender constructs, violence against girls and the targeting of schools by extremist movements continued to impair girls' access to education.

6. The High Commissioner also noted that, as a result of deeply entrenched discrimination, girls continued to be corralled into specific fields of study, which were often not those in high demand on the labour market. Young women, even when well-educated, consistently experienced higher unemployment rates than men, worked in more precarious jobs and were paid less for work of equal value. Enabling women and girls to obtain qualifications, but subsequently denying them the right to pursue their aspirations in full equality with men, did a disservice to young women and was a waste of many talents.

7. The High Commissioner emphasized that the culture of discrimination deeply entrenched in many societies should be challenged so as to allow women and girls to achieve their full potential and to deploy the skills that they have learned. He recalled the key role that education could play in dismantling persistent gender stereotypes that may have a profound impact on girls' health, self-confidence, vulnerability to violence and their enjoyment of every other human right. Pointing out that Girls' education was imperative in achieving the new agenda for development, the High Commissioner called upon States to take urgent measures to ensure that all girls had effective and safe access to education of quality, including human rights education.

B. Overview of presentations by the panellists

8. The panel moderator recalled that the right to education had been acknowledged as a multiplier right and stressed that, in spite of the remarkable progress made in increasing enrolment, gaps remained, particularly in the area of ensuring education for girls from disadvantaged backgrounds and in emergency situations.

9. Ms. Al Hashimy pointed out that States would be unable to meet current development goals and targets if they failed to empower women. She referred to some of the challenges that the United Arab Emirates had faced in achieving its Millennium Development Goal on education, including the low level of development and absence of governance and institutions. These challenges also presented opportunities for building an education system based on the principle of gender equality funded by the State's income deriving from natural resources. Robust legal frameworks had been adopted, including compulsory, free-of-charge primary education and the establishment of 18 years as the minimum age for marriage. The State's robust formal school system reflected the principle of gender equality: 90 per cent of girls and 87 per cent of boys were enrolled in primary education, while 95 per cent of girls and 80 per cent of boys who graduated from high school entered higher education. In addition, women in the United Arab Emirates constituted 70 per cent of college graduates, one of the highest proportions in the world. She emphasized that any State that prioritized education in its budget and built an educational system founded on the principles of gender equality and the rights of the child would obtain positive results.

10. Ms. Bailey outlined various ways in which structural and ideological factors hindered access to education for girls. She referred in particular to entrenched sociocultural norms and stereotypes, which dictated gender relations in the family, including the allocation of resources within the family and determing what a given generation considered appropriate gender roles. This often resulted in gender inequalities, including in the area of access to schooling and participation in the formal work force, with women being disadvantaged. She referred to the incidence of early and forced marriages and adolescent pregnancy, and the marked preference for boys as examples that exacerbated the continued subordination of females in the private and public domains. To address this challenge, women had to have the right to exercise personal autonomy and greater control over their sexual and reproductive health and rights. In addition, in order for women to become economically independent and less reliant on male patronage, they had to be able to move out of the private sphere into paid decent work in the formal labour market. Women had to be able to participate more fully in political processes and decision-making at all levels.

11. Mr. Singh welcomed the recognition of the right to education as a multiplier right, and stressed that making it a true right required entitlement and empowerment. He described inclusive, non-discriminatory education as a core element of the right to education. He also stressed the need for quality, human rights-based education in all areas – knowledge, values, competence and skills – as well as the importance of focusing on the

contents of education. He recalled that States had an obligation to translate their international obligations into national policies, and emphasized the need for an adequate legal framework as the foundation for the equal right to education. In the area of education, this obligation included temporary special measures and ensuring gender parity and access to education by marginalized communities, including rural communities. Mr. Singh further explained the need for developing strategies that linked literacy programmes and skills development, and expressed concern about the mushrooming of privatization of education, which disadvantaged women.

12. Ms. Godefa focused her intervention on the role of young people, including girls, in the development of education policies. She stated that Governments could ensure that all girls had access to education by making it a State priority and by working with youth groups to give them a voice in education policies. The barriers to girls' access to education could be both direct and indirect, including, for example, trafficking. To ensure that girls were able to enjoy the right to education on an equal footing with boys, she recommended that States provide stipends and scholarships, and free or subsidized child care for girls with children, as well as income transfer programmes for poor families, so that girls were not removed from schools for economic reasons. She also recommended that schools be constructed locally and closer to communities as a means to increase enrolment and to lower the indirect costs of sending girls to school. She also stressed the importance of awareness-raising by youth groups and States in the domestic and global spheres.

13. Mr. Coulibaly recounted the story of his sister to highlight the multiple barriers to girls' education, which included the cost of education, the distance to schools, violence in and around schools, harmful gender norms, child marriage and early pregnancy. Such barriers became insurmountable during emergencies and in conflict situations, and were particularly acute for marginalized and excluded populations, particularly girls with disabilities and those belonging to minority groups. He pointed out that emergencies often led to disruptions in education after which many children never returned to school, while those who stayed received poor quality education as a result of an unsafe and inadequate learning environment. For girls, even a short interruption caused by an emergency situation could lead not only to missing out on education but also expose them to the risk of child marriage, trafficking and other forms of gender-based violence. Emergencies could nonetheless offer the opportunity to rebuild more a resilient community or to change norms and behaviours that hindered girls' education.

C. Interventions by representatives of States Members of the Human Rights Council, observer States and other observers

14. In their interventions, States emphasized the importance that they placed on guaranteeing girls' equal access to education and described specific programmes and policies to overcome obstacles and challenges in this regard. A number of representatives referred to good practices at the national level, including enshrining the right to education in the Constitution and enacting specific laws to guarantee free primary and secondary education. States also referred to measures taken to reduce the distance between schools and homes, investments in infrastructure and special measures such as scholarships, school uniforms and the removal of other education-related costs for children from marginalized communities. A number of States pointed out that women often achieved less in their careers and in the labour market owing to deeply rooted stereotypes in public consciousness, while several expressed their concern about gender stereotypes, including in fields of study reserved for girls.

15. Several speakers expressed their concern that gender parity had not been achieved in education owing to, inter alia, gender and ideological stereotypes, violence and

discrimination against girls both in and around schools, harmful practices such as female genital mutilation and child, early and forced child marriage, the militarization of school premises in situations of conflict, attacks against schools, and threats to the security and safety of female students. A number of speakers referred to the Safe Schools Declaration, which focuses on education for children in conflict situations, signed to date by 47 States.

16. Several speakers highlighted the importance of a continued focus on education in the post-2015 development framework as a means to ensure gender equality and the empowerment of women and girls. Speakers referred to the need for good practices in the areas of comprehensive sexuality education, education for girls in conflict settings, addressing gender-based violence in and around schools, and the contents of education and its role in gender stereotypes. Participants urged the Human Rights Council to prioritize school-related gender-based violence in its agenda. Several States referred to the importance of international cooperation to make schools safer, to empower women and to obtain the necessary budgetary resources.

III. Concluding remarks by the panellists

17. **The panellists highlighted the importance of adopting and enforcing legislation and other polices on education in accordance with international human rights standards and on the basis of the principle of the best interests of the child.**

18. **It was agreed that the provision of such basic services as separate sanitation facilities and hygiene kits had enormous benefits in the enrolment and retention of girls in schools. In addition, including comprehensive sexuality education in school curricula was highlighted as a key action to help girls to avoid early pregnancy and in order to address harmful practices such as female genital mutilation and child, early and forced marriage.**

19. **The panellists recommended that quality primary education should be compulsory and free, and highlighted the importance of the transition to secondary education. They referred to the importance of measures to prevent child and forced marriages, including of setting the minimum legal age for marriage at 18. Appropriate institutional frameworks that prioritized education in budgetary allocations, supported early childhood education, provided a safe and supportive environment in schools and integrated a gender perspective into education policies were also highlighted as necessary. They also stressed that education should be non-discriminatory, inclusive and culturally sensitive, and that education policies should incorporate the voices of children and young people, including marginalized and disadvantaged girls, such as girls with disabilities, and rural and poor girls, and harness the power of social media as a means of changing education policies and encouraging girls to stay in school.**

20. **The panellists also noted that education outcomes for girls were closely linked to the division of labour between the sexes, gender stereotypes and gender-based discrimination, violence and abuse, and that many women and girls were therefore unable to enjoy the multiplier effect of education. Most current education systems, it was noted, failed to live up to their potential as catalysts for equality between men and women, but rather strengthened the existing gender order and helped to maintain hierarchies within schools and in the wider community. It was therefore important to review the content of education so as to remove all discriminatory elements.**

21. **In Ethiopia, girl clubs, in which girls at the local level were involved in mitigating school- and community-based barriers to education by liaising with school management and parents to advocate for changes such as separate sanitation facilities,**

were cited a good practice. In the area of social media, in South Africa, the UNICEF Techno Girl programme, which connects more than 10,000 adolescent girls in underprivileged schools with mentors from the technological sector in order to boost their skills and job readiness, was also cited as a good practice. States were invited to heed the concluding recommendations made by the Committee on the Elimination of Discrimination against Women and to note the Committee's upcoming general recommendation on addressing obligations in all dimensions of the right to education.

22. With regard to disasters and emergency settings, the panellists concurred that even the worst situations could offer opportunities to strengthen communities and make them more resilient and more inclusive and equal. In addition, good education in emergencies could bring both short-term protective and long-term transformative change. For example, the Plan International programmes for internally displaced persons and refugees in Mali and South Sudan had allowed many girls to attend formal and non-formal education, often for the first time. As a result, not only did more girls have access to education but were also better prepared to participate in decision-making, which had in turn led to a gradual change in community attitudes. The panellists encouraged States to take preventive measures to minimize disruptions to education during disasters, to have education sector plans based on gender-sensitive and participatory approaches in all phases of emergency responses, and to establish a funding mechanism for education in emergencies. They also recommended that States pay greater attention to the human rights of children in emergencies, including girls' right to education, and include related issues in their engagement with the United Nations human rights system, including the treaty bodies, the universal periodic review and the special procedures.

23. The panellists also emphasized underlined that, in order to implement fully the equal enjoyment of the right to education by every girl, States had to remove structural barriers to education, such as gender bias and stereotypes from curricula and teaching and learning materials, and ensure girls' safety in schools, including through the provision of adequate sanitary facilities and safe drinking water, as well as protection from sexual harassment, abuse and violence in the school environment. They should in addition ensure the justiciability of the right to education. The panellists encouraged States collectively to make the vision of every girl enjoying full access to education a reality.

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Evaluation of the implementation of the second phase of the World Programme for Human Rights Education

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted in response to Human Rights Council resolution 27/12, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to submit to it at its thirtieth session an evaluation report on the implementation of the second phase (2010–2014) of the World Programme, based on national evaluation reports.

The report provides an overview of action undertaken at the national level, as reported by States, with regard to human rights education in higher education and human rights training for civil servants, law enforcement officials and the military. It draws conclusions from all the information reviewed and provides recommendations for furthering human rights education and training, building on the progress made during the second phase.

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I. Introduction

A. Background

1. The General Assembly, in resolution 59/113A, proclaimed the World Programme for Human Rights Education as a global initiative to advance the implementation of human rights education in all sectors. The programme is structured in consecutive phases during which different sectors are selected for particular national attention. The first phase covered the period 2005 to 2009 and focused on integrating human rights education in primary and secondary schools. An evaluation of that first phase was conducted in 2010 and is available in document A/65/322.

2. The Human Rights Council, in resolution 12/4, decided that the second phase of the programme, covering the period 2010 to 2014, would focus on human rights education in higher education and on human rights training for teachers and educators, civil servants, law enforcement officials and military personnel at all levels. A plan of action to that end was adopted by the Council in September 2010. The plan provided that, in early 2015, at the conclusion of the second phase, each country would undertake an evaluation of actions carried out and submit a national evaluation report to the Office of the United Nations High Commissioner for Human Rights (OHCHR), which would prepare a global evaluation report to be submitted to the Council in 2015.

3. As requested by the Council in resolution 15/11, in 2012, OHCHR prepared a progress report (see A/HRC/21/20) containing a preliminary overview of national human rights education initiatives in higher education and in training for teachers and educators, civil servants, law enforcement officials and the military, as reported by 34 Governments and 14 national human rights institutions.

4. In September 2014, the Council reminded States, in resolution 27/12, to prepare and submit their national evaluation reports on the second phase of the World Programme to OHCHR by April 2015, in line with the plan of action. The Council also requested OHCHR to submit to it at its thirtieth session an evaluation report on the implementation of the second phase of the World Programme, based on the national evaluation reports.

B. Methodology

5. In February 2015, OHCHR sent notes verbales to States recalling the Council's reminder to submit their national evaluation reports on the second phase of the programme, together with a guidance note, drawn from the plan of action, to facilitate their preparation.

6. By 1 June 2015, 28 Governments had responded (see annex). Their responses were the primary source of information for this report, supplemented by the information contained in the aforementioned 2012 progress report, as well as material received from States in the context of the consultation that took place on the target sectors, focus areas or thematic human rights issues for the third phase of the World Programme (see A/HRC/24/24) and on the text of the plan of action for the third phase (see A/HRC/27/28). In addition, information in the national reports submitted by States in the context of the universal periodic review was also taken into account, where they highlighted pertinent human rights education activities undertaken during 2010 to 2014.

7. Due to word-limit constraints, all the information that was submitted or reviewed could not be included in the present report. Rather, based on the information available, the report provides an overview of actions undertaken by Governments during the second

phase of the programme, drawing out some general points, highlighting specific examples and presenting some of the challenges reported. Finally, the report offers conclusions and recommendations for further implementation of the World Programme.

II. Overview of action at the national level

8. The responses received from States varied considerably in their approach. The agencies charged with submitting the responses, which were not always clearly indicated, also varied. In nine cases, a designated human rights ministry or department gathered responses from the different government organs involved in implementing the programme. In Colombia, for example, the Presidential Council for Human Rights and International Humanitarian Law assembled the responses from the Ministries of Internal Affairs, Education and Defence, as well as from the Ombudsman's Office, the Administrative Department of the Civil Service and the Presidential Advisory on Human Rights. In Honduras, the Directorate of Human Rights, Education and Peace oversaw the evaluation and reporting process. In seven States, the Ministry of Foreign Affairs assumed responsibility for preparing the response; and in five States, it was the Ministry of Education. The Human Rights Department of the Ministry of Foreign Affairs of Chile gathered information from the Ministry of Education and other ministries, the judiciary, the legislature and the National Institute for Human Rights, an autonomous public institution that promotes human rights among civil servants, law enforcement officials and the armed forces and at all levels of the education system.

9. It seems that not many States were able to tackle the evaluation comprehensively in line with the guidance note transmitted by OHCHR. The reasons for this appeared to be primarily lack of time and/or adequate resources. Some States limited their response to a report on training courses provided or planned for one or two of the groups targeted in the second phase: for example, higher education institutions in Estonia, or training courses to staff of the Ministries of the Interior and Foreign Affairs in Kuwait. Burundi reported on the training provided to police officials, school principals and a number of other key figures across the country, while regretting that a lack of resources prevented it from doing more. The response from Bosnia and Herzegovina was prepared by the Ministry of Human Rights and Refugees, which, in 2012, had organized a national workshop for relevant government officials on the country's obligations under Human Rights Council resolution 15/11. It pointed out, with regret, that while it could report on a number of activities that had been carried out, it had not been able to follow through the recommendations in full, owing to lack of adequate technical support. Reporting on its progress under the World Programme, Armenia considered the first and second phases incomplete and wished for them to be retained for the third phase of the programme, which they considered should be extended to 10 years.

10. Notwithstanding the variety in the responses, it was possible to draw from them and from other material reviewed a general overview of the initiatives in each of the focus sectors of the second phase.

A. Human rights education in higher education

11. A few States referred to higher education policies relating to human rights education. A number of States stated that higher education establishments were independent of the Government and could define their own programmes and policies without interference from the State. In Hungary, the role of the State is to ensure that freedom. At the same time, many States presented abundant evidence to show that human rights were currently taught in many universities and other higher educational institutions

worldwide and that that was encouraged in a variety of ways. Recent national reports submitted under the universal periodic review further attested to that. A survey carried out in Chile found that 48.2 per cent of higher education institutions in that country included the development of human rights as a subject in their strategic corporate plans and 63.5 per cent included human rights as a specific subject in the curriculum. Colombia reported that, while the majority of institutions of higher education in the country still regarded human rights as a marginal aspect of the curriculum, the 2010–2014 National Human Rights Education Plan encouraged initiatives in that regard and considered that the impact of human rights education within the informal education sector was beginning to exert a positive influence on the formal education sector, also. In Mexico, the National Human Rights Programme 2014–2018 was contributing to the implementation of the 2011 constitutional human rights reform; in that context, a specific agreement had been concluded between the Ministry of the Interior, the National Association of Universities and Institutions of Higher Education and the National Human Rights Commission to further the promotion of human rights in higher education. The 2012 progress report on the World Programme (see A/HRC/21/20, para. 20) also indicated the substantial contribution of national human rights institutions and other actors in that respect.

12. Human rights were currently addressed as a core element in the Faculties or Departments of Law, Political Science, Social Science and/or International Relations in universities in most of the reporting States, at the undergraduate and graduate levels, as well as in general humanities and socioeconomic courses. Human rights were also taught as necessary skills in psychology, mental health, medicine, communications, physics, sustainable development courses, among others. In 2012, 534 universities in Japan offered courses on human rights. The opportunities in Switzerland are manifold, with human rights being taught in over 35 universities and institutes of higher learning. Whereas Togo reported that it had not been able to do a great deal in resourcing human rights courses in higher education, the subject was taught in the Faculties of Law and Political Science in the national public universities of Lomé and Kara and grants were awarded to Togolese students to pursue master's degrees in human rights in Benin and in France. The Ministry of Human Rights in Guinea has a plan of action for the introduction of human rights education in Guinea, including at the university level; in 2012, a master's degree in human rights and international humanitarian law was created at the University of Sonfonya, supported by both Guinean and foreign professors. The first cohort of students graduated in April 2014 and the university was currently developing human rights research programmes. In Lebanon, the Academic University for Non-Violence and Human Rights, accredited in 2014 by the Council of Ministers, delivered master's courses for students in the region.

13. While universities were the focus of most responses, human rights were also taught in a range of other higher education establishments, including, for example, technical higher education institutions in Romania and the Education Workers' Academy for Training and Continuous Development in the Russian Federation. China noted in its last report under the universal periodic review that the construction of a new series of national human rights education and training centres had entered the substantive assessment phase.

14. A number of States (for example, Australia, Bosnia and Herzegovina, Ecuador, Hungary and Japan) mentioned that the laws relating to higher education contained human rights provisions, especially insofar as they prohibited discrimination with regard to both teaching staff and students. In Germany, higher education institutions were committed, by law, to human rights and to ensuring the freedom of teaching, learning and research within a framework based on democratic principles. Some States, such as Greece and Hungary, referred to frameworks in place for admission to universities and other places of higher education for members of particular minorities and for the education of persons with disabilities, including vocational training and lifelong learning. In Mexico, 11 Government-funded intercultural universities provided higher education for indigenous and other youth,

facilitated the preservation of indigenous cultures and supported the development of indigenous communities.

15. Teaching methods were described as participatory in nature and little reference was made to formal courses of lectures without active engagement on the part of students. Honduras described how inter-institutional groups were formed to design and implement programmes, including the curriculum framework, methodology, approach, evaluation and profile of participants, with course modules developed by national and international experts.

16. Turkey reported that 31 universities had graduate degree programmes and research and application centres that conducted studies aimed at improving respect for human rights. In Bosnia and Herzegovina, the Human Rights Centre at the University of Sarajevo played a key role in providing documentation, issuing publications, teaching, expert advice, research and reporting on human rights. Switzerland and the Russian Federation, among others, had international master's degree programmes in human rights, supported by inter-institutional resource centres. A variety of specialized master's courses were offered in a number of universities, for example, on women and migration (Morocco) and on child rights in public policy development (Honduras). Algeria, Germany and Morocco referred to the United Nations Educational, Scientific and Cultural Organization network of Human Rights Chairs in universities, which helps to promote programmes of this kind.

17. It was clear from the responses that many universities currently provided a rich resource for teaching not only their regular students, but others as well. In Switzerland, the Swiss Centre of Expertise in Human Rights, a network of universities supported by the Federal Government, functions as a service centre on issues relating to migration, police and justice, gender and other aspects of human rights. It offers human rights training and produces pedagogical tools for various groups, including the authorities. The Faculty of Political Science of the University of Belgrade is one example of a higher education institution offering specialist studies for State employees (see section B below).

18. Several States (including the Bahamas, Hungary, Seychelles, Slovenia and Switzerland) reported that human rights currently constituted a basic element in teacher training, both prior to qualification and in service. In Sweden, the Education Act and the national curriculum stipulate that everyone working in schools is obliged to promote respect for human rights. In Togo, human rights training is necessary to obtain a professional qualification to teach in all schools, however, such training is not mandatory for promotion. In Slovenia, candidates for school principal must have attended courses on human rights, while in the Republic of Korea, human rights are included in the training required to qualify as head teacher, deputy head and teacher. Japan includes human rights in the training of librarians. Honduras reported that, in 2013, it had launched a course aimed at helping teachers to detect human rights violations in the educational context, to identify those in situations of vulnerability and to apply appropriate methodologies to teach human rights in the public education system. Since 2012, Georgia has paid special attention to the rights of persons with special education needs and persons with disabilities in programmes for teachers and staff engaged in vocational training.

19. Insofar as in-service teacher training is concerned, Bosnia and Herzegovina noted that the European Charter on Education for Democratic Citizenship and Human Rights, adopted by the member states of the Council of Europe, obliged States to train all educational workers in teaching and educating for democratic citizenship and human rights so that they acquire thorough knowledge and understanding of the matter and the use of appropriate teaching and learning methods. In Estonia, human rights are a priority in in-service teacher training. In the Republic of Moldova, distance-learning courses for teachers were being developed on a number of issues. In Guinea, several teachers had enrolled in the country's only human rights master's programme (at University of Sonfonya), although it

was not mandatory for advancement. Jordan reported on its five-year plan for teachers, supervisors and school principals to participate in workshops on human rights concepts, the preparation of learning activities for curricula specialists and textbook writers, while noting that it still lacked the resources necessary to carry out the plan. Special attention is paid to specific human rights issues during in-service training, as relevant in the particular national context, including gender, equality and child rights (Republic of Moldova, Sudan, Italy); HIV/AIDS and gender-based violence (Botswana); anti-gypsyism (Germany); female genital mutilation (Gambia); and trafficking in persons (Ukraine).

20. There appeared to be a variety of opportunities for cooperation with other Governments, international organizations and non-governmental organizations (NGOs) in human rights training initiatives for teachers. Bosnia and Herzegovina reported on its work with the NGO, Civitas, to train some 30,000 teachers across the country, develop new curricula and publish a university textbook on democracy and human rights. Georgia reported earlier on similar work, in cooperation with the United States Agency for International Development and other partners. Honduras had developed a comprehensive plan, with support from the European Union, the United Nations Children's Fund (UNICEF) and others, with human resources from a range of national actors, including the Honduras Autonomous University and the State Secretariat in the Education Office.

B. Human rights training for civil servants

21. Human rights is a core element in mandatory training for civil servants in a number of reporting States, including for new recruits (for example, in Bosnia and Herzegovina and Turkey), civil servants at all levels (for example, in Colombia, Germany and Sweden) and top managers in public administration (for example, in Slovenia). Although not mandatory, human rights are a priority area for the training of civil servants in Romania. Under the Swiss Constitution, anyone working for the State is obliged to contribute to the protection of human rights. In 2010–2011, in drawing up guidelines for the education and training of civil servants, the Ministry of Public Administration and Security of the Republic of Korea included human rights in the mandatory training for civil servants. Australia established a human rights public- sector education programme to strengthen capacity for developing policies, programmes and legislation consistent with human rights and to guide administrative decision-makers on human rights issues. Andorra set up human rights training courses for public servants in line with the World Programme. In China, the Central Party School and education units at all levels have universally incorporated human rights in their curricula and conduct human rights education for leading officials of all ranks.

22. The States indicated that human rights training was being extended to staff and officials in many different agencies of central and local government, including the Departments of Foreign Affairs, Internal Affairs, Justice and Education as well as sociocultural advisers, family centre coordinators and education directors in communes, in Burundi, and staff of the State Secretariats for Agriculture and Farming, Forestry Conservation and Public Works, Transport and Housing, in Honduras. In Mexico, thousands of civil servants at the federal and local levels have been trained on the contents and scope of the 2011 constitutional human rights reform. While there is no institutionalized human rights training for civil servants in Guinea, seminars and workshops are organized for regional governors, prefects, teachers and mayors in specific contexts, for example, elections, national reconciliation and transitional justice programmes and local development. Guinea further identified the need for action plans for human rights training, in particular for civil servants working in the areas of health, finance, land administration and decentralization. In its latest report under the universal periodic review, the Lao People's Democratic Republic highlighted its efforts to build human rights capacity among

its government officials at both the central and local levels, and regretted that it had not been able to cover the whole country due to lack of capacity.

23. Specific human rights of particular concern in the national and local contexts were mentioned regularly in relation to in-service training for civil servants, often with regard to groups in situations of vulnerability. Colombia reported on the Human Rights Training Plan for public officials in the different territorial entities (governors' and mayors' offices) who work with groups with special constitutional protection, including persons of African descent, indigenous peoples, Roma and lesbian, gay, bisexual and transgendered communities. Greece mentioned initiatives undertaken specifically in relation to trafficking, violence against women, racism and xenophobia. Greece has a permanent committee for training on issues of gender equality and, in recent years, the Ministry of the Interior Directorate of Migration Policy has conducted a special intercultural training programme for civil servants dealing with third-country nationals. Romania highlighted integration of minorities, social assistance and combating discrimination as priority areas for attention. Switzerland's Fight against Racism Service has trained several hundred public administration officers on combating racial discrimination. The Czech Republic provides training on trafficking to staff of social welfare departments of local authorities and employment centres. Guatemala provides training on gender-based violence and non-discrimination for public servants in the regions. In Morocco, the staff of the Ministry of Youth and Sports, in particular those working in child-protection centres, completed a series of human rights training courses, while public sector employees in Qatar receive training in the protection of women and children. Germany reported that particular attention was being paid to the use of personal data in computer science courses for public servants.

24. A range of learning methods exist for civil servants already in posts. Like Serbia and Switzerland (see section A above), Croatia has included human rights training courses in specialized university curricula for public and civil servants. In Germany, human rights form part of the teaching and learning content of the in-service distance-learning programme leading to a master's degree in public administration. In the context of its National Programme on Justice, Human Rights and Peace Culture, Honduras developed a virtual learning platform and launched the first virtual course on human rights for public servants. It reported that, in every branch of Government, the number of civil servants trained in human rights was growing each year. In Chile training in human rights and related matters is carried out via the civil service computer training system, while in Australia, a human rights e-learning module was being developed for 200,000 public servants throughout the country.

25. A broad range of agencies are involved in conducting human rights training of civil servants in the different States. In Japan, the National Personnel Authority established the curriculum and the Ministry of Justice carries out workshops for central government officers twice a year. The Local Autonomy College gives lectures on human rights for those seeking senior positions in local public entities. The Ministry of Justice also trains leaders on promoting human rights in prefectures and municipalities. In Switzerland, the Swiss Centre of Expertise in Human Rights provides training for a diverse range of professionals, including the authorities. In Colombia, the Office of the Ombudsman and the regional ombudsman offices throughout the country promote human rights among public servants. One of the roles of the Presidential Human Rights Commission in Guatemala is to promote human rights in the training of civil servants. Since 2010, the Irish Human Rights Commission has led a comprehensive human rights education and training project for the Irish civil and public service which included both training activities and material development. The Royal Institute of Territorial Administration of Morocco organized the training of local authorities by judges, and invited the mediator and the National Human Rights Council to share their expertise. In Romania, the National Agency of Civil Servants develops professional training programmes for public administration personnel, while in the

United States of America, federal officials conduct targeted training sessions on human rights treaties for state and local officials.

26. The Ministries of Foreign Affairs in a number of States provide human rights training to diplomats and civilian experts departing on international missions (for example, Japan), as well as to other Government employees (for example, Switzerland). Human rights training is also mandatory for joining the diplomatic corps in some States (for example, Paraguay).

27. The many possible synergies between institutions within each State to assure human rights training for public servants has already been mentioned. Partnerships with the United Nations, regional organizations and NGOs as well as bilateral cooperation are also important avenues for human rights education and training. In Honduras, for example, the Spanish Agency for International Cooperation and Development provided essential support for the needs assessment carried out in the sector, in 2012, and for the drawing up the National Programme of Justice, Human Rights and Peace Culture, which constituted the basis for all other plans and programmes. In Greece, the training of officials of the Ministry of the Interior and Administrative Reconstruction benefitted from the knowledge and expertise of other European countries in the context of the European Integration Fund.

C. Human rights training for law enforcement officials

28. The basic training curriculum for cadets in police academies, colleges and agencies in many States now includes human rights as a subject (Algeria, Australia, Belize, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Ecuador, Estonia, France, Germany, Greece, Italy, Japan, Mauritius, Monaco, Morocco, Republic of Korea, Romania, Serbia, Slovenia, Sudan, Turkey and United Arab Emirates, to mention a few). In Colombia, a 1993 law made international human rights and international humanitarian law training a policy for the National Police, stipulating that human rights must be included in all courses, taking into account the importance of civil servants' responsibility for enforcing the law and protecting citizens' rights and freedoms. Guinea is developing new modules for basic human rights training. While a lack of resources means that the Ministry of Security is not yet able to provide such training to all police units, it is already obligatory for civil protection units. In Slovenia, programmes and policies relating to the organization and work of the police must, by law, include the protection of human rights. Colombia mentioned that human rights were being mainstreamed into different policing procedures.

29. In a number of States, in-service training in human rights is necessary for promotion (for example, in Bosnia and Herzegovina, Italy, Japan, Qatar and Romania), while in others, incentives, including remuneration, are given for such training (for example, in Slovenia). Several States referred to the updated training that police received on particularly pertinent issues and based on their respective levels. Continuous training, in particular for those deployed on United Nations and European Union missions, was mentioned by a number of States (for example, Romania and Slovenia).

30. The need for police human rights training to be practical was repeatedly stressed and, as Chile, Greece, Japan and Lithuania, in particular, reported, oriented towards issues that police officers could expect to encounter in their daily work. In that context, Morocco mentioned on-site visits to exchange experiences and on-going evaluation through outreach meetings. In Georgia, the Police Academy devotes special attention to teaching the legal basis for the use of force and to the acquisition of the relevant practical skills by future police officers, and every police officer has to undergo updated training periodically. In Japan, training sessions are held at police headquarters, police stations and other workplaces, as well as in police schools. In Germany, training is based on actual cases and concrete measures are discussed in the context of practical situations. In Poland, the police

recruitment system has been revised to allow for candidates' interactions with other persons to be examined thoroughly.

31. The Nepal police have central human rights units and human rights cells at the regional and local levels as well as mechanisms to examine petitions against police personnel for human rights violations, with the possibility of the results of such examinations being published. In Lithuania and Qatar, outstanding performance is rewarded and may be taken up for use as a case study in future training activities. A number of awards, such as the "good conduct certificate", have likewise been created in the United Arab Emirates to nurture motivation.

32. Learning from peers is considered critically important for police officers who, according to Italy, have a "distinctive professional culture". Thus, initial efforts are made to train as many trainers as possible within the ranks. The National Police of Guinea has a pool of some 25 human rights trainers in its ranks. In 2013, the Police Academy of Romania founded a centre to promote human rights within public order and security institutions, which now boasts 50 permanent trainers and another 271 resource persons to carry out its mandate throughout the country, together with a network of officers to disseminate procedures, laws and policies on human rights. In 2011, the Chilean National Police established a human rights department to promote international standards for the police. The Ecuadorian police has a similar department, which reaches some 600 officers weekly. The Human Rights Committee established in the Ministry of the Interior of the United Arab Emirates, in 2013, comprises representatives from all police departments and is charged with spreading awareness of and adherence to human rights. Colombia referred to its procedures for evaluating trainers.

33. Materials used in human rights training are tailored specifically for law enforcement officers, for example, "performance criteria for law enforcement officers in terms of human rights" of the Gendarmerie General Command, Turkey; "Policing in a multicultural society", National Police of Italy manual for trainers; "Complementary instructional module and Methodological guide on human rights, civil security and police functions", prepared by the Higher Academy for Police Studies, Chile, with the assistance of the Inter-American Institute of Human Rights; and from Poland, "To protect and to serve – how to foster the rights attitudes and behaviours during primary professional training". The Directorate-General for National Security of Morocco prepared a guide for judicial police officers, in collaboration with the National Human Rights Council and the Swiss Police Institute produced a reference book on human rights and professional ethics. The Ministry of Justice of Madagascar, with the assistance of international NGOs, prepared a handbook on the prohibition of torture for law enforcement officials, while the United Arab Emirates issued a guidebook of procedures for dealing with groups with special needs during pre-trial investigations. In Nepal, training manuals for police at every level include a section on human rights and in Germany, tutorial notes on policing and human rights are available on the Federal Police Intranet. OHCHR "Human rights standards and practice for the police" is distributed to all police and gendarmerie training units in a number of States (for example, Algeria).

34. In-service training for police officers often focuses on specific human rights issues. For example, in Greece such training addresses human rights provisions concerning the prevention of torture, use of personal data, combating violence against women, human trafficking, racism and xenophobia. Special emphasis on how to manage prejudices and prevent discrimination was mentioned by several States. Switzerland reported that, in 2013, the Swiss Police School had increased the time devoted to questions of discrimination as a key area to be addressed in continuing training. Colombia mentioned standing orders and directives relating to indigenous peoples and lesbian, gay, bisexual and transgender persons, among others. In-service training in Germany provides information on foreign

cultures, religions and the background and root causes of migration, with the aim of promoting tolerance and understanding for all. In Slovenia, police officers are trained in the management of stereotypes in a multi-ethnic society, which includes learning about the culture and history of Roma, encouraging awareness and increasing acceptance of diversity, as well as seeking appropriate and consistent ways for police to work with people from different backgrounds and in Portugal, police officers are being trained to act as mediators in Roma communities. In-service training could involve other specialized expert institutions and/or NGOs; the Equal Opportunities Ombudsman Office in Lithuania was mentioned in this respect.

35. Guinea reported that its police and gendarmerie schools had also incorporated international humanitarian law in their training and had recently introduced a module on child rights. A specialized police service created in Chile, in 2013, to strengthen relations with indigenous communities is provided training on the rights of indigenous peoples, their language and cultural identity. The Royal Gendarmerie of Morocco has been specially trained on human rights in the fight against terrorism and against drugs, while regular in-service training is provided for gendarmerie staff in Turkey, with on-site training for the provincial gendarmerie commands, in which equality and combating violence against women are among the topics regularly addressed. Human rights and gender equality are included in the training courses on combating trafficking in persons, drug trafficking and other issues offered by the International Training Centre in Belarus. Combating trafficking in human beings is also addressed in training courses for police officers in Kuwait and the United Arab Emirates, while in Ghana, special focus has been placed on sensitization of the police to issues of domestic violence.

36. Although human rights training is recommended for customs officers in Italy, such training is only mandatory for those going on foreign assignments. In Japan, human rights training is compulsory for newly recruited immigration officers and ongoing throughout their service. Several European countries reported on human rights training conducted for border police (for example, Romania, Slovenia and Switzerland). The Directorate-General for National Security of Morocco has given lectures in the Royal Police Institute on refugee rights, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR).

37. Within the European Union, Greece and Italy reported on the European Union Frontex programme, which provides compulsory human rights training to border guards participating in joint European operations. The Hellenic Coast Guard of Greece, under the Ministry of Shipping, has incorporated human rights in its training curriculum, as provided for in the Frontex programme, to assist its guards in the treatment of victims of trafficking, identification of asylum seekers, protection of minors and groups in situations of vulnerability and practical application of the principle of non-refoulement. Training is carried out by the Coast Guard and national police specially trained in human rights by Frontex, using a manual developed with the support of the European Union. Continuous training is made possible by UNHCR and the International Committee of the Red Cross (ICRC), and updated training is offered in particular to staff of pre-departure centres.

38. Human rights training is also a formal requirement in a number of countries for prison staff, especially in-service training (for example, in Chile and France) and for officials in particular (for example, in Estonia). Training is delivered in accordance with level of experience and focuses on the rights of detainees, including international and domestic standards on the use of force, prevention of torture and treatment of prisoners (Japan, Morocco, Switzerland and Turkey). In 2014, the National Prison Institute of Honduras began including human rights and gender in the basic training course for prison officer candidates. In Estonia, the Prisons Department of the Ministry of Justice carries out evaluation and impact assessments with regard to institutionalized human rights training. In

Burkina Faso, training on the rights of detainees is provided annually to prison guards. Burundi reported under the universal periodic review that human rights training sessions for prison officials had contributed to an improvement in the situation in prisons.

39. Human rights training for prison personnel also needs to be practical: Japan mentioned practice-based, on-the-job training programmes, including role-playing, that incorporated various events that occur on a daily basis in penal institutions. Morocco reported on practice drills relating to inspection, handcuffing, discipline and deportation, for example, and Greece mentioned prison visits, for example, for judicial police officers, including exchanges with detainees. In 2013, a national meeting aimed at strengthening the human rights competencies of penitentiary system public servants was held in Honduras. It focused on the responsibilities of the State and its representatives as guarantors of the human rights of persons deprived of their liberty. It was complemented by a series of regional and local workshops for prison staff. Portugal is engaged in a project to develop an e-learning tool for prison guards in countries in the Iberian Peninsula and Latin America. The Prisons Service in Ghana has its own training manual, which has been incorporated into the training curriculum of prison officers.

40. The distinctive professional culture of law enforcement officers is shared across national boundaries and there are many examples of international and regional, bilateral and multilateral cooperation in this sector. Police officers in some small States (for example, Andorra and Guyana, based on their reports under the universal periodic review) benefit from training in partner States. The Regional Rights Resource Team of the Secretariat of the Pacific Community provides training for police officers from the Pacific Islands. The United Nations human rights training and documentation centre for South-West Asia and the Arab region, in cooperation with ICRC, has organized human rights workshops for police officers. Greece alluded to the range of courses offered by the European Police College. The Netherlands and Bulgaria operate bilateral exchanges of police officers and the Italian *carabinieri* are twinned with the Turkish gendarmerie. Ecuador signed agreements with the Dominican Republic and France on cooperation in relation to human rights training for prison staff in the new Training Academy that was opened in 2011. Chile now offers an international diploma course on "human rights and citizens' security in the framework of policing", which addresses such issues as the use of force.

41. Regional human rights mechanisms play a significant role in this sector. Law enforcement personnel in a number of States are taught about the international and regional dimensions of the protection of human rights, treaties and institutions. Frequent reference was made regional standards and case law in the field of human rights — in particular with respect to the European and Inter-American systems — and their application in the daily work of law enforcement and prison officers. Regional mechanisms also offer an abundant range of opportunities for cooperation, support and partnership. One example is the comprehensive human rights training strategy adopted by police schools in Chile, in association with the Inter-American Institute of Human Rights.

42. Cooperation and technical assistance for many of the programmes — with OHCHR, UNHCR, UNICEF, other United Nations entities, ICRC, the European Union, other regional organizations, international and national NGOs and national human rights institutions, as well as inter-State partnership — are abundant. Such cooperation helps to ensure coherence in the human rights training of the targeted professional groups and offers opportunities for keeping up to date with developments. A number of States requested further support in this area.

D. Human rights training for the military

43. Training in both international human rights and international humanitarian law seem to be institutionalized in the basic training of the military in many States. In Colombia and the Democratic Republic of the Congo, such training is provided for in the Constitution. Advanced training is often mandatory in order to qualify for promotion (for example, in Colombia, Guinea, Honduras, Italy, Mexico and Togo). Reform of the defence sector in Guinea introduced human rights and international humanitarian law in the training of members of security and defence forces, as well as a new Code of Conduct, Code of Military Justice and General Disciplinary Regulations of the Armed Forces compliant with international human rights obligations. The Internal Peace and Security Plan of the Armed Forces of the Philippines (*Bayanihan*) is aimed at ensuring that members of the security forces receive continuous training in human rights and international humanitarian law, specifically with regard to their responsibility to protect human rights and human rights defenders. Switzerland and Honduras made special mention of the in-depth training of the military police, which includes human rights. Indonesia reported under the universal periodic review, in 2012, that human rights-based curricula had been introduced for military officers at all levels and that a memorandum of understanding had been concluded with the Indonesian National Commission on Human Rights for human rights training.

44. In Colombia, a special medal is awarded for outstanding work in the area of human rights and outstanding performance is also rewarded in Togo. In Bosnia and Herzegovina, the Parliamentary Military Commissioner strengthens oversight of the armed forces and protection of the human rights of those serving in the forces, while a human rights division was created within the Ministry of Defence of Guinea, in 2015, with a senior military officer in charge.

45. Japan conducts special training for the military on the treatment of prisoners of war. It noted the importance of Security Council resolution 1325 and stated its intention to formulate a national action plan for the military on women, peace and security, in cooperation with NGOs. Bosnia and Herzegovina reported that it had developed an action plan for the implementation of Security Council resolution 1325, which included workshops and lectures on gender equality. Switzerland described its specialized service for preventing extremism in the army and Colombia stated that its security forces had made significant steps with regard to those sectors of the population requiring special attention, including indigenous peoples, persons of African descent, displaced persons, women, children and others. In Mexico, training on linguistic and cultural diversity is organized for members of the army who speak indigenous languages, so that they could act as mediators during military operations.

46. Peer learning is regarded as being of critical importance in the military, given its particular professional culture. All the military schools in Guinea have a pool of human rights trainers. The study centre of the Mexican Army and Air Force provides human rights courses to chiefs and officials to develop human rights knowledge and skills among leaders and trainers. In Honduras, 39 military officers were trained to be human rights trainers and contributed to the design and development of a methodology and materials, with a focus on the application of standards, in practice, and special attention to groups in situations of vulnerability. In Italy, human rights training is delivered by specially trained civil and military staff as well as, when appropriate, by NGOs. In the military school of Colombia, staff are trained in pedagogical techniques for teaching international human rights and humanitarian law. The Armed Forces Graduate School of Human Rights and International Humanitarian Law in the Dominican Republic offers some 106 courses on those topics and, as at April 2013, had trained over 5,500 individuals. Major work had been under way for some years in the Philippines to transform its security sector into one that is compliant with human rights and international humanitarian law. The development of training curricula

and materials culminated in a new human rights action plan, designed on orders of the Chief of Staff, covering education and training, awareness and advocacy, monitoring and response procedures, issuance of reference certificates and exposure to best practices.

47. As in the case of training for law enforcement officials, most States provide practical and participatory training for the military, taking into account the role and level of responsibility of the recipients. In 2014, Colombia adopted a standard human rights and humanitarian law teaching model for the military, structured on six levels and setting out learning according to the operational needs and levels of responsibility of the participants, using a methodology based on practice. Training scenarios are adopted from real situations and tactical training is combined with instruction in human rights and humanitarian law. At the end of each training session, learning is evaluated and adjustments made, where necessary. Colombia reported that the methods of instruction relating to international human rights and humanitarian law are specifically tailored to meet the needs of the armed forces in their current context. Honduras also highlighted the importance of educational methodology that makes use of the instruction goals used in military training for mission accomplishment. Switzerland has developed an interactive DVD, which contains practical cases aimed at consolidating the theory acquired in basic training and, in 2013, the Armed Forces Graduate School in the Dominican Republic organized a workshop to prepare a manual on the use of force for the Dominican Armed Forces. Japan has been reviewing and revising reference and training materials for the treatment of prisoners of war and, in 2014, Mexico revised its military doctrine on the use of force to make it compliant with international standards, with the technical support of its National Human Rights Commission, ICRC and OHCHR.

48. Bosnia and Herzegovina, Guinea, Italy, Japan, Lithuania, Romania, Slovenia and Switzerland indicated that specialized human rights training is compulsory for military personnel who are being deployed abroad, including training on international humanitarian law, where peace missions are concerned.

49. While OHCHR and other United Nations entities, regional organizations, Governments, NGOs and national human rights institutions also assist in the provision of human rights training for the military, support from ICRC remains critical for many States, especially in respect of training on international humanitarian law.

III. Conclusions and recommendations

50. **The foregoing overview is witness to the impressive amount of activities undertaken by States to implement and support human rights education in higher education and human rights training for civil servants, law enforcement officials and the military during the second phase of the World Programme for Human Rights Education. Some of the initiatives had begun prior to the launch of the second phase of the World Programme or were framed under regional initiatives, such as the Arab plan to foster the culture of human rights education, endorsed by the Council of the League of Arab States, in 2010. One thing is certain, they all substantially further progress in human rights education and training in the target sectors. Furthermore, related recommendations made to States in the context of the universal periodic review seem to have had a significant impact in encouraging States to develop programmes and in encouraging States and organizations to offer support.**

51. **Of the 28 States which submitted information specifically for this report, some were able to make a solid evaluation of the activities carried out nationally to implement the second phase of the programme. Others provided details of individual training days, while still others indicated that developed plans had yet to be put into**

action. In Switzerland, the Swiss Centre of Expertise in Human Rights has been charged with making an inventory of human rights education initiatives across the country, while Slovenia identified a number of gaps in the process and was proceeding with the identification of possible measures to close those gaps and the preparation of guidelines for improving human rights education in the focus areas of the second phase. Honduras adopted a national programme in 2012 and since then, has developed content and methodology. Bosnia and Herzegovina regretted that it did not have the resources to fully implement the recommendations of the workshop that it had convened in 2012. All of those reports indicate that time is needed to advance and consolidate what has been achieved during the second phase.

52. While the foregoing overview highlights the institutionalization of human rights training for the targeted professional groups in a solid core of countries, there are many other countries in which such training remains ad hoc and dependent on external initiatives, which ultimately raises the question of sustainability. But the responses also indicate that the tools and resources for improvement in the area of human rights education and training are becoming more and more available.

53. What is interesting is that the overview also indicates that there is increased attention to the use of appropriate training methodologies that are practical and relevant to the learners and their work context. One recurrent aspect was the importance of peer-to-peer training for the targeted professional groups and the active involvement of senior management at all stages of training, in particular in the conception of training programmes. In addition, the expertise being built with the development of pools of trainers in some States, as well as practice-based curricula and materials, will help to secure quality and sustainability of the programmes developed.

54. The extent of cooperation among government departments, as well as among Governments, academia, national human rights institutions and NGOs in any given country appears particularly significant. Cooperation has also blossomed between States and serves to encourage progress, ensure greater coherence and secure support for States with fewer resources. As financial budgets diminish, synergies and alliances are essential.

55. The information provided by States and the supplementary sources reveal a wealth of opportunities for technical cooperation in human rights education and training by United Nations entities, ICRC, regional organizations, as well as individual Governments and NGOs. Similarly, there seem to be an increasing number of regional initiatives, which States can both contribute to and benefit from, thereby fostering a valuable exchange of experiences and cross-fertilization of ideas. Examples mentioned include the Inter-American Institute of Human Rights, the European Union, the Organization for Security and Cooperation in Europe, the Council of Europe and the Secretariat of the Pacific Community.

56. Finally, and although word-limit constraints preclude details, the majority of reports indicated that the work begun with the first phase of the World Programme, in relation to primary and secondary schools, was continued and, in some cases, institutionalized, thanks to the curricula developed, the number of teachers trained and the materials available.

57. While considerable progress has been made in some countries, all States should take full advantage of the third phase of the World Programme for Human Rights Education to strengthen implementation of the first and second phases, with specific attention to the second phase targeting higher education and training for teachers and educators, civil servants, law enforcement officials and military personnel.

58. To that end, the Human Rights Council, in resolution 24/15, encouraged States and relevant stakeholders to place special emphasis on the following strategies:

(a) Advancing implementation and consolidating the work done;

(b) Providing human rights education and training for educators in formal and non-formal education and training, in particular those working with children and youth;

(c) Undertaking related research and mapping, sharing good practices and lessons learned, and sharing information among all actors;

(d) Applying and strengthening sound educational methodologies based on good practices and assessed through continued evaluation;

(e) Fostering dialogue, cooperation, networking and information-sharing among relevant stakeholders;

(f) Furthering the integration of human rights education and training into school and training curricula.

59. Detailed guidance on these strategies is provided in the plan of action for the third phase (2015–2019) of the World Programme (see A/HRC/27/18 and Add.1).

60. States who have not yet done so, should make an inventory of national initiatives relating to the second phase of the World Programme, taking stock of national progress against the guidance in the plan of action for the second phase in order to develop and implement a national strategy, which should make optimal use of existing national, regional and international resources.

Annex

List of Governments that submitted information

Bosnia and Herzegovina
Burundi
Chile
Colombia
Estonia
Georgia
Germany
Greece
Guinea
Honduras
Hungary
Italy
Japan
Jordan
Kuwait
Lao People's Democratic Republic
Lebanon
Lithuania
Mexico
Morocco
Qatar
Romania
Slovenia
Switzerland
Togo
Turkey
United Arab Emirates
Uruguay

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Evaluation of the implementation of the second phase of the World Programme for Human Rights Education

Report of the Office of the United Nations High Commissioner for Human Rights

Corrigendum

Paragraph 59

For A/HRC/27/18 and Add.1 *read* A/HRC/27/28 and Corr.1

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples

Summary

The present report is submitted pursuant to Human Rights Council resolution 27/13. It contains information on relevant developments relating to human rights bodies and mechanisms and outlines the activities undertaken by the Office of the United Nations High Commissioner for Human Rights at Headquarters and in the field that contribute to the promotion and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration. The report covers the period from May 2014 to May 2015.

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I. Introduction

1. In its resolution 27/13 on human rights and indigenous peoples, the Human Rights Council requested the United Nations High Commissioner for Human Rights to continue to submit to it an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms. It also requested the High Commissioner to report on activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) at Headquarters and in the field that contribute to the promotion of, respect for and full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.

2. Rather than providing an exhaustive overview of the work of OHCHR on the rights of indigenous peoples, the present report focuses on some illustrative examples of OHCHR activities and initiatives undertaken at Headquarters and by field offices that contribute to the full application of the rights of indigenous peoples. It also outlines recent developments within United Nations human rights mechanisms as far as their work pertains to indigenous peoples.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

3. During the period under review, OHCHR continued to work in a wide range of contexts for the promotion and full application of the Declaration. The rights of indigenous peoples have continued to be a priority topic for the High Commissioner, and indigenous issues figure prominently in the OHCHR Management Plan, 2014–2017,[1] including in connection with the key thematic priorities of enhancing equality and combating discrimination.

A. World Conference on Indigenous Peoples and its outcome document

4. In the lead-up to the World Conference on Indigenous Peoples, held on 22 and 23 September 2014, the High Commissioner consistently stressed the importance of the full and effective participation of indigenous peoples. The World Conference was among the first meetings attended by the High Commissioner upon assuming office. In his opening remarks at the Conference, he emphasized the need for the United Nations to open its doors even wider for indigenous peoples and strengthen efforts to involve indigenous peoples in all international initiatives that affect them, including the post-2015 development agenda. He also called for national action plans and strategies to be developed, and underlined that such plans should be fully consistent with the principles and objectives of the Declaration. OHCHR, in its capacity as chair of the Inter-Agency Support Group on Indigenous Peoples' Issues, also drew attention to a series of papers on themes ranging from land rights to traditional knowledge prepared by the Support Group as contributions to the World Conference.

5. The regional and country offices of OHCHR participated actively in the preparations for the World Conference by drafting information notes and facilitating discussions among indigenous representatives about their contributions to the Conference. In July 2014, the

[1] Available from www2.ohchr.org/english/OHCHRreport2014_2017/OMP_Web_version/media/pdf/0_THE_WHOLE_REPORT.pdf

OHCHR office in Guatemala facilitated bilateral meetings with indigenous representatives and the Ministry of Foreign Affairs to promote indigenous peoples' participation in the preparatory activities for the World Conference. The OHCHR regional office for South America, in Chile, organized and participated in a national meeting of indigenous peoples towards the World Conference, within the framework of an inter-agency project with indigenous leaders. The meeting aimed at promoting the participation of indigenous leaders in the World Conference and in the drafting of the outcome document.[2]

6. In the lead-up to the World Conference, indigenous representatives focused on the need to introduce more inclusive United Nations processes and to accord indigenous representative structures a status that would facilitate their effective participation. As such, the outcome document includes a request for the Secretary-General to submit specific recommendations on how to enable participation of indigenous peoples at the United Nations, through the Economic and Social Council, to the General Assembly at its seventieth session.

7. Following the World Conference, the OHCHR office in the Plurinational State of Bolivia coordinated and initiated dialogues with various United Nations agencies to provide technical assistance in the design of actions, adaptation and implementation of commitments contained in the outcome document.

8. OHCHR continued to play an active role in various inter-agency initiatives, as it chaired the Support Group during the reporting period. The Support Group had engaged actively in the World Conference then supported follow-up to its outcome document, in which the Support Group's important role in ensuring coordinated and coherent United Nations action in relation to indigenous peoples was recognized.

9. Supporting such follow-up was the main focus of the annual meeting of the Support Group, hosted by OHCHR in Geneva on 1 and 2 December 2014. The meeting brought together focal points for indigenous peoples' issues from 17 agencies and benefitted from the active participation of the Special Rapporteur on the rights of indigenous peoples, the Chair of the Permanent Forum on Indigenous Issues and the focal point of the Permanent Forum for the Support Group.

10. At the meeting, the Support Group began preparation of a system-wide action plan, to be developed in consultation and cooperation with indigenous peoples and Member States. The Support Group discussed lessons that could be drawn from other United Nations system-wide action plans, including those on youth and gender, and highlighted key considerations, such as the need to root the action plan in the Declaration, the importance of engaging United Nations regional and country presences and the relevance of the post-2015 development agenda. A small informal working group was set up to further advance work on the action plan in cooperation with indigenous and Member State partners.

11. The Support Group also took stock of various initiatives concerning the development and use of indicators related to indigenous peoples and is now working to build support for operationalizing agreed indicators, including with a view to their application in connection with the post-2015 development agenda. In addition, the Support Group examined how to encourage national human rights institutions to advance indigenous peoples' rights at the national and international levels, in line with the outcome document of the World Conference.

[2] General Assembly resolution 69/2.

12. OHCHR also played an active role in raising the profile of indigenous peoples in the context of the Human Rights Council, including through its support of the Expert Mechanism on the Rights of Indigenous Peoples, for example, by reviewing the mandate by the Human Rights Council. During the twenty-ninth session of the Human Rights Council, in September 2014, OHCHR organized a panel discussion on indigenous peoples' issues devoted to prevention and protection of indigenous peoples' in disaster risk reduction and prevention and preparedness initiatives.

B. United Nations Indigenous Peoples' Partnership initiative

13. The United Nations Indigenous Peoples Partnership initiative, a joint initiative between OHCHR, the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the United Nations Population Fund and the United Nations Development Programme (UNDP) completed activities under its four-year strategic framework for 2011–2014. Implementation of the Partnership started in 2012 with six United Nations joint programmes in the Plurinational State of Bolivia, Cameroon, the Central African Republic, Nicaragua and the Congo, as well as through a regional programme in South-East Asia. The programmes were built upon the Declaration, ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other key standards, and reflected the findings of the Special Rapporteur, treaty bodies and other human rights mechanisms.

14. During the course of the Partnership's activities, through its six joint country programmes and one regional project, over 100 partners were brought together and more than 5,500 government officials, indigenous peoples and other key stakeholders were reached through capacity-building and training initiatives in Asia, Africa and Latin America. Approximately 40 thematic studies and publications were produced, including on issues related to maternal health, reproductive rights, HIV/AIDS and conditions in the forestry sector. The Partnership's initiatives to support legal and policy reform and access to justice have contributed to the development of national decrees and reviews of national and municipal laws to ensure the recognition and inclusion of indigenous peoples' rights in local and national legal systems.

15. The Board of the Partnership is currently discussing how to align its next phase with the system-wide action plan mandated by the outcome document of the World Conference on Indigenous Peoples.

16. In September 2014, the OHCHR regional office for South America in Santiago prepared a joint proposal with United Nations agencies in Chile for submission to the Partnership on the topic of the right to consultation of indigenous youth and children.

C. Capacity-building and participation of indigenous peoples in United Nations processes

17. In 2014, the OHCHR Indigenous Peoples and Minorities Section carried out a number of training and briefing sessions for key stakeholders that included United Nations country teams, OHCHR staff, members of human rights treaty bodies, indigenous peoples' organizations, government officials, parliamentarians and staff of national human rights institutions, in an effort to promote the full application of the Declaration.

18. During the reporting period, OHCHR continued to build the capacity and expertise of representatives of indigenous peoples through its annual training programme on international human rights instruments and mechanisms. A total of 31 indigenous people, including 18 women, originating from Algeria, Australia, Bangladesh, the Plurinational

State of Bolivia, Brazil, Burundi, Cambodia, Colombia, Ecuador, Guatemala, Libya, Malaysia, Mexico, Morocco, Myanmar, New Zealand, Papua New Guinea, the Russian Federation, Rwanda and the United Republic of Tanzania participated in the 2014 indigenous fellowship that took place in Geneva from 16 June to 25 July. These fellows attended theoretical and practical training sessions on how to use international human rights instruments and mechanisms to more effectively advocate for and promote the rights of their respective communities at the international level. In addition, four indigenous fellows who had participated in the training in Geneva were given the opportunity to enhance their knowledge and experience by taking part in national or regional fellowships with OHCHR country offices in the Russian Federation, Guatemala, Mexico and Cameroon. Their active involvement in and input to the activities of OHCHR were much appreciated, as was their first-hand knowledge of indigenous issues, which was an asset for the work of OHCHR on indigenous peoples' issues. In order to give indigenous people the opportunity to learn through direct and practical engagement in the activities of OHCHR, the Indigenous Peoples and Minorities Section continues to organize a Senior Indigenous Fellowship over a period of four months to provide on-the-job training.

19. In addition to Headquarters, OHCHR regional and country offices have also run capacity-building programmes for indigenous peoples. For example, the human rights adviser in Bangladesh served as a resource for the regional training programme of the Asia-Pacific Forum of National Human Rights Institutions on indigenous peoples' rights in Bangladesh, together with the Bangladesh Human Rights Commission.

20. The OHCHR country office in the Plurinational State of Bolivia conducted training activities for numerous indigenous peoples' organizations that focused on collective rights and the use of national and international protection mechanisms, and sought to develop their understanding of the right to consultation. In coordination with the indigenous university of "Apiaguaiki Tupa", the office developed the first version of a course entitled "Rights of indigenous peoples in the universal human rights system and introduction to cultural expertise". A second version of the course is currently being taught to a new group of leaders representing indigenous peoples form the East, Chaco and Amazon regions.

21. The office in the Plurinational State of Bolivia also organized a joint workshop in coordination with ILO and the departmental assembly of the Guarani people to inform indigenous peoples about international and regional human rights mechanisms and to train them to write communications to these mechanisms.

22. The OHCHR country office in Colombia held a workshop on the basic concepts of economic, social and cultural rights with an emphasis on the rights of indigenous peoples and Afro-Colombian communities. In June 2014, the OHCHR regional office for Central America in Panama organized training for indigenous youth organizations on the use of human rights mechanisms, with a view to developing their capacity to submit reports to the special procedures of the Human Rights Council and the second cycle of the universal periodic review.

23. Through the Maya Programme, the office in Guatemala developed several training courses specifically on the administration of justice, lands and territory and the right to consultation. The target audience for the courses included the Public Prosecutor's Office, the Institute of Public Defence, the Supreme Court and the Constitutional Court. The Office also supported the Attorney General's Office in developing a diagnosis tool on access to justice for indigenous peoples. As a result, the Indigenous Peoples Unit in the Attorney General's Office developed an action plan that provided for internal policy reforms and specialized training for interpreters, and designed an institutional policy focusing on victims.

24. The office in Mexico also provided training courses on rights of indigenous peoples to federal authorities and advised representatives of indigenous communities in relation to specific cases.

25. The regional office in the Pacific distributed copies of the Declaration to the Pacific Islands Association of Non-governmental Organizations to raise awareness on the rights of indigenous peoples in the region. The Association is a regional network of non-governmental organization focal points based in 22 Pacific island countries and territories.

26. The United Nations Voluntary Fund for Indigenous Populations, managed by OHCHR and assisted by a board of trustees, continued to support the participation of indigenous peoples' organizations in the sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council, including its universal periodic review mechanism, and the treaty bodies.

27. In addition to encouraging the participation of indigenous people's representatives in the World Conference on Indigenous Peoples and the integration of human rights standards in its outcome document, OHCHR, through the Voluntary Fund, supported indigenous peoples' participation in the Conference and its related preparatory process. The Fund supported the participation of 21 indigenous representatives in the preparatory meetings and the participation of 84 indigenous representatives in the Conference.

28. In 2014, 66 grants were allocated to enable the participation of representatives of indigenous peoples' organizations and communities, including 25 for the thirteenth session of the Permanent Forum on Indigenous Issues; 20 for the seventh session of the Expert Mechanism on the Rights of Indigenous Peoples; 4 for sessions of the Human Rights Council; 2 for sessions of the Working Group on the Universal Periodic Review; 5 for sessions of the Human Rights Committee; 1 for the sessions of the Committee on the Elimination of Discrimination against Women; 5 for the sessions of the Committee on the Elimination of Racial Discrimination; 1 for the sessions of the Committee on the Rights of the Child; 1 for the sessions of the Committee on Economic, Social and Cultural Rights; and 2 for the sessions of the Committee on the Rights of Persons with Disabilities.

29. The Board of Trustees has selected 86 representatives of indigenous communities and organizations to attend various sessions, including 32 for the 2015 sessions of the Permanent Forum on Indigenous Issues; 32 for the sessions of the Expert Mechanism on the Rights of Indigenous Peoples; 6 for the sessions of the Human Rights Council; 4 for the sessions of the Working Group on the Universal Periodic Review; 2 for the sessions of the Human Rights Committee; 1 for the sessions of the Committee on the Elimination of Discrimination against Women; 2 for the sessions of the Committee on the Elimination of Racial Discrimination; 2 for the sessions of the Committee on the Rights of the Child; 3 for the sessions of the Committee on Economic Social and Cultural Rights; 1 for the sessions of the Committee against Torture, and 1 for the sessions of the Committee on the Rights of Persons with Disabilities. Furthermore, the Board has set aside funds to enable representatives of indigenous communities and organizations to attend the sessions of the Human Rights Council, human rights treaty bodies and the universal periodic review to be held between September 2015 and March 2016. The selection will be made at the intersessional meetings to be held in August and November 2015.

30. The Fund also continues to employ resources to increase the capacity of indigenous peoples to effectively participate in United Nations meetings. For example, in 2014, the Fund organized four human rights training sessions in Geneva and New York. Moreover, in cooperation with non-governmental organization partners, the Fund provided assistance to indigenous peoples' representatives in targeting their advocacy, tailoring interventions to specific sessions and contributing to the implementation of recommendations by human rights mechanisms and the implementation of the Declaration at the national level.

D. Guidance tools

31. OHCHR continued to support parliamentarians in fulfilling their role in protecting the rights of indigenous peoples. A handbook for parliamentarians,[3] jointly authored with UNDP, the International Fund for Agricultural Development, the Inter-Parliamentary Union and the secretariat of the Permanent Forum on Indigenous Issues, was officially released in the margins of the World Conference on Indigenous Peoples in September 2014.

32. Through wide-ranging consultations, OHCHR and the Asia Pacific Forum of National Human Rights Institutions completed a manual[4] in 2013. The publication was translated into Russian, French and Spanish, and subsequently launched in June 2014 by the Indigenous Peoples and Minorities Section, and the OHCHR regional office for South Africa. National human rights institutions from Angola, Kenya, Namibia, South Africa, the United Republic of Tanzania, Uganda and Zimbabwe participated in the training, which increased their understanding about operationalizing the Declaration at the country level. A meeting was organized in Krasnoyarsk, Russian Federation, in October 2014 to discuss the role of national human rights institutions in the follow-up process to the outcome document of the World Conference on Indigenous Peoples.

33. The OHCHR country office in the Plurinational State of Bolivia published a compendium of international norms relating to the protection of the rights of indigenous peoples, an informative brochure on the right to free, prior and informed consultation and three studies on decision-making systems of indigenous peoples and nations (on the Captaincy of the High Parapeti, the Organization of the Mosetén Indigenous Peoples, and the Jacha'a Karangas Nation).

34. The OHCHR country office in Colombia published an updated versions of its publications on the right to consultation and prior, free and informed consent.

E. OHCHR support for the rights of indigenous peoples at the country and regional levels

35. OHCHR field offices carried out a range of activities on indigenous peoples' rights at the regional and country levels, including providing support to special procedures mandate holders. The present section describes select projects clustered under interrelated areas. For example, the absence of consultation or exclusion from development or mining projects may lead to forms of violence.

1. Right to participation, consultation and free, prior and informed consent

36. In the Plurinational State of Bolivia, the office provided technical assistance during the drafting of a Law on Consultation, including through two legal opinions that set out the international human rights framework. In May 2014, the President submitted a bill to Parliament on prior, free and informed consultation The office is of the view that its prompt

[3] Inter-Parliamentary Union, *United Nations Handbook for Parliamentarians: Implementing the United Nations Declaration on the Rights of Indigenous Peoples* (Geneva, 2014). Available from www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights/Indigenous-Peoples-Parliamentarians-Handbook.html.

[4] Asia Pacific Forum of National Human Rights Institutions and Office of the United Nations High Commissioner for Human Rights, *The United Nations Declaration on the Rights of Indigenous Peoples: A Manual for National Human Rights Institutions* (Sydney, Australia, and Geneva, 2013). Available from http://www.ohchr.org/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf.

adoption would significantly contribute to enhancing respect for the collective rights of indigenous peoples.

37. The the Plurinational State of Bolivia office also prepared a legal opinion aimed at guaranteeing consultation processes on mining projects' respect for international standards. It helped to ensure that costs relating to the consultation process in developing the bill were covered by the State. The Mining and Metallurgy Law 535 of May 2014 recognizes the right of indigenous peoples to share the benefits from the exploitation of resources on their lands, and the application of the collective right to prior, free and informed consultation. However, the scope of the Law extends only to new mining contracts and is limited to the exploitation phase; it does not mandate consultation and consent during the prospecting and exploration phases. OHCHR is of the opinion that regulations under the Act that affect the interests of indigenous peoples should be drawn up in consultation with indigenous peoples' organizations.

38. To promote respect for the right to consultation, the Plurinational State of Bolivia office also promoted the inclusion of human rights issues at an international conference on oil and gas and conducted several meetings with relevant ministries.

39. In the context of Colombia, OHCHR continues to advocate for space for social dialogue on public policy issues of participation, consultation and representation of indigenous communities. It continues work with rights holders to strengthen their organizations and the design of protocols in dealing with authorities, as well as business enterprises.

40. The office in Guatemala monitored various social protests of indigenous peoples as high-level dialogues with authorities were not effective. The office also provided assistance to the Ixil Mayan communities of San Juan Cotzal, who claimed that the State had not respected its duty to consult with indigenous peoples. In April 2015, a court ruling was made in favour of the claims made by the communities in this case.

41. In Mexico, the office documented and monitored consultation processes and was in contact with different stakeholders, including federal, state and municipal authorities and civil society organizations. The office opened communication channels between indigenous peoples and the authorities responsible for the development of consultation processes in line with international standards. In addition, it submitted information on standards on the rights of indigenous peoples, more specifically the recognition of customs and traditions and traditional legal systems, to the judiciary in relation to a case of an alleged arbitrary arrest of an indigenous leader.

42. In the context of the World Conference on Indigenous Peoples, the regional office for Central America organized two workshops to facilitate a more inclusive dialogue between indigenous peoples and the Government of Costa Rica, during which the World Conference outcome document was disseminated. As a result, indigenous peoples and government authorities agreed on the need to relaunch a dialogue with special attention to land tenure. The regional office, along with the United Nations Resident Coordinator, ILO and the national human rights institution, are seeking to expand the dialogue to cover other urgent issues that indigenous peoples face.

43. In Panama, the indigenous round-table, established by OHCHR and the Office of the Resident Coordinator to advance the ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the adoption of the law for a national development plan for indigenous peoples, continued its work. The regional representative and Resident Coordinator facilitated the dialogue between indigenous peoples opposed to the construction of the Barro Blanco hydroelectric dam and the high-level government commission appointed by the President and led by the Vice President and Minister for Foreign Affairs.

44. Likewise, the OHCHR regional office for South America in Santiago, along with other United Nations agencies in Chile, raised the need for inclusive government consultations with indigenous peoples, emphasizing the need to ensure the participation of indigenous women and children.

45. In the context of Nepal, OHCHR organized two stakeholder engagement meetings at the district level in cooperation with the Office of the Resident Coordinator to enhance dialogue between Constituent Assembly members, civil society actors and indigenous peoples' representatives on promoting the rights of indigenous peoples in the country. Participation in decision-making processes were stressed as critical in preventing conflict and promoting dialogue.

2. Recognition, autonomous governance, economic, social and cultural rights

46. In Colombia, the office attended meetings of the inter-administrative working group, which constitutes a forum for the departmental government of the Amazon, associations of indigenous traditional authorities and environmental entities to pursue an intercultural dialogue and for indigenous peoples to articulate their demands in relation to their education and health systems, territory and government. With a view to illustrating difficulties in implementing the Victims and Land Restitution Law and sharing relevant expertise, three meetings were held with concerned institutions. The office in Colombia is also seeking to enhance coordination between the indigenous and the national health systems. It follows up on relevant cases, such as the death of indigenous children in Chocó and Río Sucio, and on lack of access to health care for indigenous peoples in the Amazon. It monitors incidents of human poisoning and territorial contamination with mercury and cyanide, as a result of gold mining. With a view to drawing attention to the critical health situation of indigenous peoples and Afro-Colombians and the extreme vulnerability of Hitnü peoples in Arauca, the representative of the office in Colombia and the ombudsman travelled to Chocó and Arauca in order to give greater visibility to the critical health situation of indigenous peoples and Afro-Colombians, as well as the extreme vulnerability of Hitnü peoples in Arauca.

47. The office in the Plurinational State of Bolivia continued to monitor the applications to the Plurinational Constitutional Court of six municipalities for autonomy statutes, four of which have been declared constitutional.

48. The office in Guatemala undertook missions to the interior of the country to assess the situation of the rights of indigenous peoples, especially in terms of agricultural labour and the exploitation of natural resources in indigenous territories in the departments of Huehuetenango, Quiché, Alta Verapaz, Chiquimula and the municipalities of San Juan Sacatepéquez and San Jóse Del Golfo. The office also provided technical assistance to the Gender and Multiculturalism Unit of the Ministry of the Environment and Natural Resources. In August 2014, the office organized several events on environmental and social impact assessments with different actors, including civil servants of the Ministry, the National Council of Protected Areas, the National Forest Institute and representatives of indigenous communities. Against that backdrop, a panel discussion on the Guiding Principles on Business and Human Rights was held. In addition, the office in Guatemala and the national human rights institution evaluated the "Zero Hunger Plan", a government strategy aimed at the eradication of chronic and acute malnutrition in the country. In the same vein, the office accompanied various actors involved in the implementation of the National Court's ruling on the violation of the right to food of five Chortí children that called for a protocol to establish the right to food at the administrative level.

49. In the context of the Democratic Republic of the Congo, the United Nations Joint Human Rights Office has assessed that Pygmy peoples have very limited access to health and education as they live in remote areas of the country.

3. Violence against indigenous peoples

50. In the Democratic Republic of the Congo, exclusion from public life, discrimination and extreme marginalization have not only led to adverse health outcomes, but also increased tensions between communities. From 16 to 19 September 2014, a joint human rights office investigation mission to Kabalo, Katanga province, learned about serious allegations of human rights violations, including killings and inhumane, cruel and degrading treatment, as well as abductions and lootings. These violations were allegedly committed by Bantu militia and *Buzolezole*-Luba militia and targeted mostly Batwa Pygmies.

51. The United Nations Joint Human Rights Office investigated another recent large-scale attack on the internally displaced persons site in Nyunzu on 30 May 2015, allegedly perpetrated by Bantu-Luba militia called *Eléments Katangais*, which resulted in numerous human rights violations, namely, 44 killings, 8 rapes and 57 cases of abduction. The victims were mainly of Batwa Pygmy ethnicity.

52. The United Nations Joint Human Rights Office also monitored the arrest of a Batwa Pygmy non-governmental organization activist who had been accused of incitement to hatred. The trial at the Tribunal of Grand Instance led to his release. In another emblematic case, on 19 May 2015, the United Nations Joint Human Rights Office and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo placed under protection and later relocated a Batwa activist from Nyunzu to a safe place. Allegedly, elements of the Luba militia had threatened him for opposing the Luba leadership, burned his house and forced his family into hiding.

53. In the Plurinational State of Bolivia, the office expressed concern about the lack of police protection for Yampara and Qhara Qhara indigenous leaders during a vigil in June 2014, when they were subjected to physical violence and discriminatory language and behaviour. Symbols of indigenous authorities were also destroyed by peasants from the area. Acts of violence between a group of leaders belonging to the National Council of Ayllus and Markas of Qullasuyu were also highlighted.

54. The office in Colombia continued field monitoring activities in the Amazon, Cauca, Chocó, Nariño, Caribbean Coast and Putumayo, where armed actors had committed abuses, including killings of leaders. Situations where legal and illegal mining had led to violence also were of concern, for example, in La Toma, where abuses had been committed against representatives of a women's organization, including sexual violence, by illegal miners in their territory. The organization has asked OHCHR for accompaniment as they are threatened and in need of protection.

55. The office in Guatemala held a dialogue with indigenous authorities of Totonicapán, Sololá, Chichicastenango, Nebaj and Quiché to assess the situation of the rights of indigenous peoples. As a follow-up to the dialogue, the office undertook observation missions to identify best practices for the prevention of violence in indigenous communities. The office in Guatemala also maintained regular meetings with the conflict analysis unit of the national human rights institution in order to exchange information on a set of six priority conflicts and to build a common strategy, including on a process to remedy the human rights violations that had occurred in the 1980s due to the construction of the Chixoy Dam, and on the current conflict in the municipality of San Juan Sacatepequez due to the construction of a concrete factory of the company Cementos Progreso. The office in Guatemala and the national human rights institution were designated as "honour witnesses" in the dialogue established by the State authorities to address both conflicts.

4. Follow-up to recommendations of United Nations mechanisms and developing United Nations programmes

56. The Human Rights Adviser in Bangladesh has been promoting the use of and interaction with international human rights mechanisms by various indigenous peoples' organizations and the International Chittagong Hill Tracts Commission. He works closely with United Nations agencies, programmes and funds to ensure that the principles contained in the Declaration are integrated into ongoing and planned United Nations programmes and activities, such as the Chittagong Hill Tracts development programme and a new nation-wide United Nations programme related to indigenous peoples.

57. The office in the Plurinational State of Bolivia sought to strengthen coordination mechanisms among relevant United Nations and other actors with a view to developing a plan of action to facilitate the implementation of the Declaration. It also provided technical assistance to representatives of indigenous peoples who participated in the fourteenth session of the United Nations Permanent Forum on Indigenous Issues.

58. The office in Guatemala, with a view to prioritizing human rights, helped to develop a work plan for a donor group called the Working Group on Indigenous Peoples. In the framework of the periodic assessment of Guatemala by the Committee on the Elimination of Racial Discrimination, the office assisted with the elaboration of an internal document by the Multicultural Society and Diversity Inter-Agency Group. The document reviews the United Nations system's role in helping Guatemala to implement the International Convention on the Elimination of All Forms of Racial Discrimination.

59. In Costa Rica, the regional office for Central America emphasized the need to publish the national policy on racism and racial discrimination as part of its support to the inter-institutional committee of the Government that follows up on treaty body, special procedures and universal periodic review recommendations.

60. With a view to implementing the recommendations made to Panama in its 2010 universal periodic review, the regional office for Central America collaborated with the civil registry of Panama and UNICEF in order to support the registration at birth of indigenous children of the Mama Tata religion living in remote areas, in line with international human rights standards.

III. Human rights bodies and mechanisms

A. Expert Mechanism on the Rights of Indigenous Peoples

61. During its seventh session, in July 2014, the Expert Mechanism on the Rights of Indigenous Peoples conducted panel discussions on the post-2015 development agenda and on the role of parliaments in the implementation of the Declaration. Furthermore, the session was an opportunity to discuss final preparations for the World Conference on Indigenous Peoples, including the draft of the outcome document. The Expert Mechanism also finalized and adopted its follow-up study and advice on access to justice in the promotion and protection of the rights of indigenous peoples, as well as its study and advice on the promotion and protection of the rights of indigenous peoples in natural disaster risk reduction, prevention and preparedness initiatives. These studies, together with a number of proposals made by the Expert Mechanism, were presented to the Human Rights Council at its twenty-seventh session, in September 2014.

62. The Expert Mechanism also undertook a number of intersessional activities, including participation in the World Conference on Indigenous Peoples and the thirteenth and fourteenth sessions of the United Nations Permanent Forum on Indigenous Issues. In

February 2015, OHCHR and the University of Lapland (Finland) co-organized an expert seminar on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage. The main objective of the seminar was to obtain substantive input for a study conducted by the Expert Mechanism in response to a request made by the Human Rights Council in its resolution 27/13. The study is to be finalized at the eighth session of the Expert Mechanism, in July 2015. In March 2015, the Expert Mechanism held its first ever intersessional meeting in Winnipeg, Canada.

63. OHCHR also supported the review of the mandate of the Expert Mechanism, requested by the General Assembly in the outcome document of the World Conference, including facilitating consultations between indigenous peoples and States and supporting the Expert Mechanism members' engagement in discussions in follow-up to the World Conference.

B. Special procedures and treaty bodies

64. The Special Rapporteur carried out various activities in four interrelated areas: promoting good practices; country reports; cases of alleged human rights violations; and thematic studies. She also participated in the World Conference on Indigenous Peoples in September 2014; the nineteenth Conference of the Parties of the United Nations Framework Convention on Climate Change; as an expert witness for a case under consideration by the Inter-American Court of Human Rights concerning the Kaliña and Lokono indigenous peoples in Suriname in February 2015; an expert seminar on cultural heritage in Rovaniemi, Finland; as a panel member in a high-level panel discussion on human rights and climate change organized by the Human Rights Council; a global consultation with indigenous peoples convened by the World Bank; and a meeting with the Executive Board members, the President and senior management of the World Bank.

65. The Special Rapporteur carried out a visit to Paraguay to examine the situation of indigenous peoples. She also carried out informal working visits to Australia, Canada, Finland, Peru and the Philippines.

66. In September 2014, the Special Rapporteur submitted her first report (A/HRC/27/52) to the Human Rights Council, in which she set out the thematic priorities for her mandate and announced her intention to focus on issues related to economic, social, cultural and environmental rights of indigenous peoples. In her report to the General Assembly at its sixty-ninth session (A/69/267), the Special Rapporteur reflected on these rights in the context of the post-2015 development framework.

67. The Special Rapporteur issued public statements relating to situations that require immediate and urgent attention by the concerned Governments. These drew attention to: (a) the new framework for disaster risk reduction, including a call for the needs of indigenous persons with disabilities to be met by effective action; (b) a new oil project threatening further harm to indigenous peoples in Peru; (c) the elusiveness of justice in many parts of the world; and (d) a call on Member States to include indigenous peoples in development efforts. The Special Rapporteur, together with other mandate holders, signed a number of letters to the States parties to the Framework Convention on Climate Change, and raised concerns regarding planned amendments to the World Bank's draft environmental and social safeguards framework that would likely have an adverse effect on human rights.

68. Other special procedures also took up issues related to indigenous peoples. The Special Rapporteur in the field of cultural rights paid a visit to Botswana, where she looked at policies in the fields of culture, language, education and tourism. She met with the San people, heard their concerns and, in relation to implications of the inclusion of the

Okavango Delta in the World Heritage List of UNESCO, encouraged the Government to closely consult with indigenous peoples.

69. At the third Forum on Business and Human Rights, held in December 2014, during a session on the Guiding Principles on Business and Human Rights and United Nations human rights mechanisms, the impact of trade and investment agreements on indigenous peoples was flagged as an area where the Working Group on the issue of human rights and transnational corporations and other business enterprises could compliment the work of the Special Rapporteur on the rights of indigenous peoples. Furthermore, some sessions at the Forum focused on access to justice and reparations for indigenous peoples in the context of business operations and extractive industries.

C. Treaty bodies

70. During the reporting period, the Committee on the Elimination of Racial Discrimination expressed concern and made recommendations in relation to indigenous peoples. Under the early warning and urgent action procedure, the Committee sent a letter of concern to the Russian Federation, while under the follow-up procedure it sent follow-up letters to Canada, Mexico, New Zealand and the Russian Federation. At its eighty-fifth session, the Committee raised issues on indigenous peoples and made recommendations to Cameroon, El Salvador, Japan, Peru and the United States of America. At its eighty-sixth session, the Committee made recommendations on the rights of indigenous peoples in Bosnia and Herzegovina, Denmark, Guatemala and the Sudan. Concluding observations of the Committee during these sessions included issues such as the rights to identity, self-identification and recognition of indigenous peoples, the lack of disaggregated data and lack of socioeconomic indicators pertaining to indigenous peoples, the inadequacies in legal frameworks and the structural discrimination affecting indigenous peoples. Other observations focused on participation in political and public life, discrimination within the criminal justice system, labour market and stereotyping of indigenous peoples, as well as incidents of hate speech. The situation of indigenous peoples in voluntary isolation, free prior and informed consent and the land rights of indigenous peoples were also raised.

71. The Committee on Economic, Social and Cultural Rights highlighted the rights of indigenous peoples to recognition and self-identification, and to seek free prior and informed consent on decisions affecting them and their lands. On many occasions, the Committee made reference to the Declaration and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) as it considered reports of El Salvador, Guatemala, Indonesia, Nepal and Paraguay. The Committee also raised questions concerning indigenous peoples and sent a list of issues to States parties, including Burundi, Canada, Chile, Finland, France, Guyana, Iraq, the Plurinational State of Bolivia, Thailand, Uganda and Viet Nam. The main questions raised by the Committee related to recognition of indigenous peoples, land rights, consultation, non-discrimination, poverty, education and cultural rights. The Committee also met with the Chair of the United Nations Permanent Forum on Indigenous Issues to discuss areas of common interest in view of the fourteenth session of the Permanent Forum, dedicated to economic, social and cultural rights.

72. The Committee against Torture considered the reports of Australia, Colombia and New Zealand. In its concluding observations, it highlighted that violence against women affected indigenous women disproportionately and urged national authorities to take additional measures to address it. The Committee also requested information from States parties concerning indigenous peoples through the list of issues prior to reporting from Canada, Gabon, Japan and Mexico.

D. Universal periodic review

73. Issues concerning indigenous peoples were frequently addressed in the context of the universal periodic review. During the reporting period, 42 countries were reviewed for the second time during the nineteenth, twentieth and twenty-first sessions of the Working Group on the Universal Periodic Review of the Human Rights Council. Recommendations relating to indigenous peoples were made to a number of countries, in particular with regard to harmonizing legislation with obligations under the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and strengthening of the legal and institutional framework for the protection and promotion of the rights of indigenous peoples. Calls were also made, inter alia, to reinforce efforts to eliminate discrimination against indigenous peoples; guarantee birth registration of all indigenous children; ensure access to education and health services and to land and natural resources; and enhance cooperation and involvement of indigenous peoples in decision-making.

74. Examples of the above-mentioned recommendations included the adoption of a law on the autonomous development of indigenous peoples in Costa Rica; special attention to land rights of Pygmy peoples in the Democratic Republic of the Congo; efforts to eliminate discrimination against indigenous women and girls in Nicaragua; and strategies to combat discrimination against indigenous peoples and others in Norway.

IV. Conclusions

75. **The rights of indigenous peoples have remained a priority for the Office of the United Nations High Commissioner for Human Rights (OHCHR), as illustrated by its actions in the country and regional contexts and its support to mechanisms of the Human Rights Council and other intergovernmental bodies, as well as international processes.**

76. **The first ever World Conference on Indigenous Peoples, held in 2014, was a landmark event in the advancement of indigenous peoples' rights. It resulted in commitments by Member States to enhance the implementation of the United Nations Declaration on the Rights of Indigenous Peoples through national action plans and other measures in key areas ranging from violence against indigenous women to addressing the impact of major development projects on indigenous peoples. It is essential that Member States, in partnership with indigenous peoples and with support from OHCHR and other United Nations partners, ensure robust follow-up to these and other commitments contained the outcome document.**

77. **During the period under review, OHCHR further expanded its work on advancing the rights of indigenous peoples at the country level. Various capacity-building initiatives have revealed persistent obstacles to the exercise of the right to consultation across sectors in some country contexts. The absence of consultation in many instances has led to unfavourable outcomes for indigenous peoples. Even where legal frameworks contain provisions on consultation and consent, multiple challenges hinder their implementation, contrary to the provisions of the Declaration.**

78. **The work of OHCHR across the globe, assessments by the Special Rapporteur on the rights of indigenous peoples, concluding observations by the treaty bodies and recommendations of other United Nations mechanisms reveal recurring patterns of human rights concerns. Problematic areas include the recognition of indigenous peoples and their self-determination with respect to autonomous governance; the rights to lands, territories and resources; the absence of mechanisms for justice and the adjudication of claims; inadequacies in legal frameworks; the absence of**

disaggregated data that could serve as an evidence-base for policymaking; and the exclusion of indigenous peoples from decision-making on laws and policies that affect them, particularly in the sectors of development and the environment.

79. In terms of joint programmes, the United Nations Indigenous Peoples' Partnership initiative has prompted United Nations partners to come together in a strategic manner, guided by the principles set forth in the Declaration and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). OHCHR has worked closely with indigenous experts and relevant United Nations agencies to ensure that all Partnership country programmes are designed with indigenous peoples' participation and implemented in true partnerships between indigenous peoples and States.

80. The present report captures many achievements on the normative front at the international level and some successes at the country level. However, much remains to be done to fill the gaps in national policies and strategies and fully comply with the Declaration. OHCHR continues to work in partnership with indigenous peoples, the United Nations system and Member States to contribute to the promotion and full application of the Declaration, as well as to the follow up on its effectiveness at the national and local levels.